

Initial Report on the Transfer Policy Review Policy Development Process

4

5 Status of This Document

6 This is the Initial Report of the GNSO Transfer Policy Review Policy Development Process
7 Working Group that has been posted for public comment.

8 Preamble

9 The objective of this Initial Report is to document the working group's (i) deliberations on
10 charter questions, (ii) preliminary recommendations, and (iii) additional identified issues to
11 consider before the working group issues its Final Report.

12 Readers may notice this Initial Report differs in structure from a standard GNSO Initial Report.
13 The differences are described below in the Prologue, but the structural reformatting ultimately
14 aims to make the report more digestible and reader friendly.

15 After the working group reviews public comments received in response to this report, the
16 working group will submit its Final Report to the GNSO Council for its consideration. In previous
17 work, the working group submitted a prior initial report and public comment in June 2022.

18

19

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42 Prologue

43 The Initial Report serves as a formal record of the Working Group’s work, discussions, proposed
44 recommendations, and outstanding questions for the ICANN community. The Transfer Policy
45 Review Working Group began its work in 2021; the past 3.5 years have included numerous
46 discussions, agreements, and disagreements, which the Working Group has documented
47 thoroughly within this report.

48 As readers may imagine, however, three years of discussions equates to a very long report, and
49 the first iteration of the Initial Report, which was populated in the standard GNSO template,
50 included over 100 pages of deliberations and recommendations, making it difficult for any
51 reader to digest and respond within the time allotted during a standard public comment period
52 of forty (40) days. The Working Group noted this potential difficulty and is publishing this Initial
53 Report with a few important structural changes described below.

- 54 1. This **prologue** has been added to explain the changes to the standard Initial Report
55 format.
- 56 2. The opening **executive summary** has been replaced by three shorter summaries before
57 each grouping of recommendations, in an effort to make the distinct topics from the
58 policy recommendation groups, i.e., Group 1A, 1B, and 2 more understandable.
- 59 3. The main body of the report includes a **table for each policy recommendation**, which
60 includes:
 - 61 a. **Recommendation # & Title**
 - 62 b. **Recommendation text:** the specific consensus recommendations proposed by
63 the WG.
 - 64 c. **Policy Impact Indicator:** a new feature to help the reader understand the degree
65 of change being proposed by the Working Group, i.e., how much does this
66 recommendation differ from the current Transfer Policy.
 - 67 d. **Recommendation Rationale:** an explanation provided by the Working Group to
68 explain and justify the proposed recommendation.
 - 69 e. **Implementation Guidance:** where applicable, the Working Group included a
70 brief explanation to assist in the implementation phase of the policy
71 recommendations.
 - 72 f. **Links to Charter Questions & Summary Deliberations:** The extensive summary
73 deliberations and charter questions are now included in an annex to the report,
74 which significantly reduces the length of the Initial Report body but allows
75 interested readers who desire further historical context to easily toggle between
76 the recommendation’s tables and the annex where the deliberations can be
77 found.

78

79 POLICY IMPACT ASSESSMENT (NEW feature)

80 In addition to developing, at a minimum, an Initial Report and Final Report detailing the
81 Working Group’s responses to its charter questions and accompanying policy
82 recommendations, the Working Group is required to conduct and deliver a policy impact
83 analysis. Specifically, the Working Group’s [charter](#) provides, “If the WG concludes with any
84 recommendations, the WG shall (or recommend the subsequent policy Implementation Review
85 Team to) conduct a policy impact analysis.” Historically, the impact analysis was left to the
86 Implementation Review Team, a group that generally serves as an advisory body to ICANN org
87 as ICANN org works to update an existing policy or creates a new policy, depending on the
88 respective working group’s recommendations, and inadvertently neglects to conduct this
89 analysis.

90 Recognizing the importance of this analysis, this updated format of this report is an effort to
91 provide a policy impact analysis, which is designed to indicate how much the recommendation
92 differs from the status quo, or existing Transfer Policy. The policy impact assessment first
93 includes a policy impact level, or the degree (low, medium, high) that the Working Group has
94 used to indicate the degree of change the specific policy recommendation introduces.

95 "Policy Impact Level" (Low, Medium, High)

- 96 • An example of a **LOW** impact represents a small degree of change such as a definitional
97 change rather than a substantive change to policy requirements, e.g., “Change of
98 Registrant” to “Change of Registrant Data.”
- 99 • An example of a **MEDIUM** impact represents a substantive change to the policy, such as
100 a change to an existing requirement or the inclusion of a new requirement.
- 101 • An example of a **HIGH** impact would be a significant change to the current policy, such
102 as the removal of a previous policy requirement, such as the removal of the Post Change
103 of Registrant 60-day transfer restriction.

104

105 When reviewing the policy impact level, it is important to note that the designated level is not a
106 qualitative analysis of the policy recommendation. In other words, a recommendation classified
107 as HIGH IMPACT does not, ipso facto, mean the recommendation is bad or negative, and,
108 similarly, a recommendation classified as LOW IMPACT does not mean the recommendation is
109 good or positive.

110

111 When considering the policy impact levels, the Working Group used the following non-
112 exhaustive criteria:

- 113 • *Degree of change from existing requirement, e.g., no change or confirmation of existing*
- 114 *requirement, modification to existing requirement, or new requirement)*
- 115 • *Security enhancement or removal of existing security requirement*
- 116 • *Level of technical change and corresponding impact to Contracted Parties*
- 117 • *ICANN Contractual Compliance enforcement capability*
- 118 • *Impact to Registered Name Holders (such as increased or reduced protections; level of*
- 119 *confusion)*
- 120

121

122 Overview of Recommendation Groupings

123

124 Short Overview of Recommendation Grouping

125 The Working Group's [charter](#) divided the policy work into three distinct phases in recognition of
126 the distinct topic areas and the significant time associated with each topic area.

- 127 • **Group 1(a):** Form of Authorization (including EPDP Phase 1, Recommendation 27, Wave
128 1 FOA issues), AuthInfo Codes, Denying (NACKing) transfers,
- 129 • **Group 1(b):** Change of Registrant (including EPDP Phase 1, Recommendation 27, Wave
130 1 Change of Registrant issues)
- 131 • **Group 2:** Transfer Emergency Action Contact and reversing inter-Registrar transfers,
132 Transfer Dispute Resolution Policy (including EPDP Phase 1, Recommendation 27, Wave
133 1 TDRP issues), ICANN-approved transfers

134

135 Each group of recommendations will include an introduction to provide a high-level overview of
136 the topic area before proceeding to the tables for each policy recommendation.

137 Lastly, the Working Group considers these recommendations to be interdependent, and, as a
138 result, recommends the recommendations be considered as one package by the GNSO Council
139 and subsequently the ICANN Board.

140

Policy Recommendations and Impact Analysis - Group 1(a)

141

142 Introduction to Group 1(a) Recommendations:

143 The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is an
144 ICANN consensus policy that went into effect on 12 November 2004. The policy governs the
145 procedure and requirements for registrants to transfer their domain names from one Registrar
146 to another, also referred to as an inter-Registrar transfer. The goal of the Transfer Policy was to
147 provide for enhanced domain name portability, resulting in greater consumer and business
148 choice and enabling registrants to select the Registrar that offers the best services and price for
149 their needs.

150

151 The Group 1(a) recommendations cover many of the technical aspects of an inter-registrar
152 transfer, including, et al., the Gaining and Losing Form of Authorization, the Auth-Info Code,
153 and other notifications associated with inter-registrar transfers.

154

155 The ordering of the Group 1(a) recommendations corresponds to the approximate steps of an
156 inter-registrar transfer, which are visually depicted in the swimlane graph below. Within the
157 diagram, there is a label for the corresponding recommendation number; however, please note
158 that not all steps of the diagram contain a recommendation number.

159

In order to synchronize the recommendation numbers with the swimlane graph, the previous numbering from the first Initial Report has been changed. The original Initial Report numbering corresponded to the order of the charter questions, and the previous recommendation ordering can be found in this [annex](#).

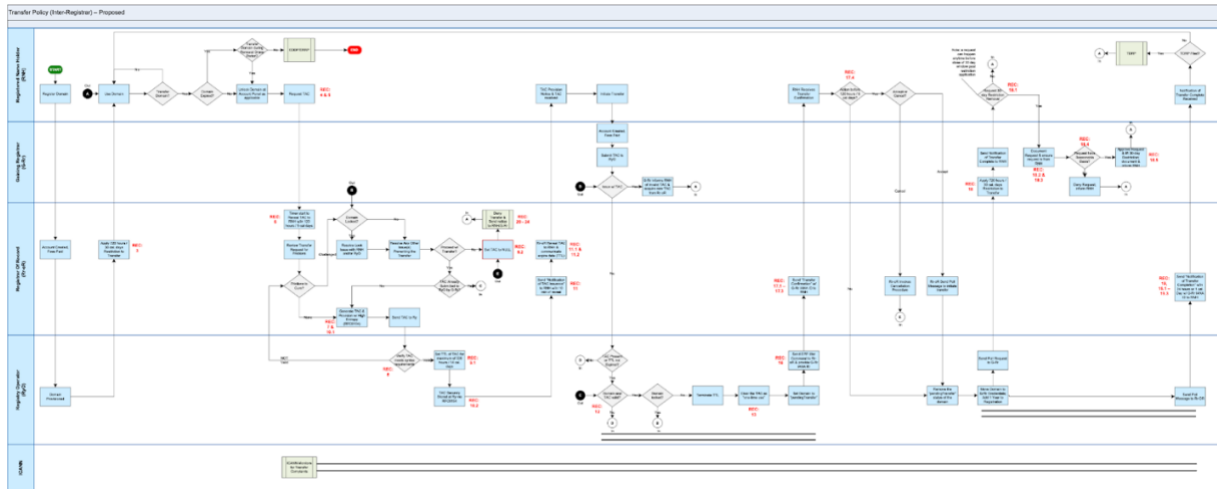
160

161 Disclaimers about the swimlane:

- 162 1. The swimlane is a conceptual representation of the proposed transfer process and
163 serves as a guide to assist readers in understanding the proposed Group 1A
164 recommendations. The swimlane is NOT a policy requirements document, and,
165 accordingly, should not be treated as such.
- 166 2. The swimlane is constructed at a very high-level. It does not account for all variations of
167 possible transfer transactions, especially considering the varying business models and
168 procedures across contracted parties.
- 169 3. Where a process step box does not have a recommendation label, it is NOT specific to
170 any proposed recommendation or a policy requirement. These process steps are only
171 used to maintain logical continuity of a transfer transaction from beginning to end.

- 172 4. A deficiency of the swimlane model is it does NOT accurately represent time scales. This
- 173 conceptual model blends system processes that occur in seconds vs. business
- 174 procedures that could occur over several calendar days.

175
176 The following diagram is presented only as a reference to its existence, please refer to this [link](#)
177 for a more consumable version of the swimlane or you can find an embedded version in the last
178 [annex](#) of this report.



- 179
- 180
- 181

Recommendation #1: Terminology Updates: Whois

182
183 The working group recommends the following specific terminology updates to the Transfer
184 Policy and the Transfer Dispute Resolution Policy:

185 (i) The term "Whois data" SHALL have the same meaning as "Registration Data".

186 (ii) The term "Whois details" SHALL have the same meaning as "Registration Data".

187 (iii) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".

188 (iv) The term "Whois" SHALL have the same meaning as "RDDS".

189 For the avoidance of doubt, the terms referenced in above in Recommendation 16 (i) - (iv) are
190 intended to correspond to the definitions in the Registry Agreement ("RA") and the Registrar
191 Accreditation Agreement ("RAA"), as appropriate. In the event of any inconsistency, the
192 RA/RAA definitions, if updated, will supersede. The working group also recommends that the
193 outdated terms should be replaced with the updated terms, e.g., all references to "Whois Data"
194 should be replaced with the term "Registration Data," etc.

Policy Impact:

196
197
198 **LOW** - Terminology changes only.
199

Recommendation Rationale:

200
201 This recommendation is consistent with the EPDP Team's Phase 1 Recommendation 24. The
202 working group additionally notes that for purposes of the Transfer Policy, Registration Data
203 means the contact data collected by a Registrar from a legal or natural person in conjunction
204 with the registration of a domain name. It is not meant to include additional customer data
205 such as credit card details and email correspondence.
206

Implementation Guidance:

207
208 N/A
209

Links to Charter Question(s) & Summary of Deliberations:

210
211 [c1](#), [c2](#), [j1](#)
212
213
214
215

216 Recommendation #2: Terminology Updates: Administrative Contact and Transfer Contact

217 The working group recommends removing any reference to an “Administrative Contact” or
218 “Transfer Contact” in the Transfer Policy and Transfer Dispute Resolution Policy and replacing it
219 with “Registered Name Holder” unless specifically indicated.

220

221 Policy Impact:

222

223 **LOW** - Terminology changes only.

224

225 Recommendation Rationale:

226 Under the upcoming Registration Data Policy, Administrative Contact data is no longer required
227 to be collected by the Registrar, and therefore cannot be relied upon for Transfer Policy
228 requirements. Accordingly, the Registered Name Holder would be the only authorized transfer
229 contact.

230

231 Implementation Guidance:

232 N/A

233

234 Links to Charter Question(s) & Summary of Deliberations:

235 [c1](#), [c2](#), [j1](#)

236

237

238

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240

241 Recommendation #3: Transfer Restriction After Initial Registration

242 The Registrar **MUST** restrict the RNH from transferring a domain name to a new Registrar within
243 30 calendar days / 720 hours of the initial registration date.¹ To the extent that a Registry
244 and/or Registrar has an existing policy and/or practice of restricting the RNH from transferring a
245 domain name to a new Registrar for a different period of time following initial registration, all
246 policies and practices **MUST** be updated to be consistent with this new requirement.²

247

¹ The initial registration date referenced in this recommendation corresponds to the Creation Date in the RDDs.

² For the avoidance of doubt, this includes, but is not limited to, a 60-day post-creation lock currently specified in some Registry-Registrar Agreements (RRAs). Recommendation 18 seeks to standardize the inter-Registrar transfer restriction period to 30 days across all gTLDs. Accordingly, an RRA or registration agreement that specifies a period other than 30 days would need to be amended pursuant to this recommendation, as a 60-day post-creation lock (or period other than 30 days) would no longer be permitted under the Transfer Policy.

248 Policy Impact:

249

250 **LOW** - Restriction changed from an inconsistent use of 60 days, via Registry-Registrar
251 agreements to a consistent use of 30 calendar days/ 720 hours as part of a Consensus Policy
252 recommendation.

253

254 Recommendation Rationale:

255 The working group believes that a single requirement across the industry will result in a better
256 experience for registrants. The working group recommends that 30 days is the appropriate
257 period for this requirement because:

258

- 259 ● It provides a window of opportunity to identify issues associated with credit card
260 payments, including unauthorized use of a credit card. This may assist with addressing
261 criminal activity and deterring fraud.
- 262 ● It provides a window of opportunity for a complainant to file a Uniform Domain Name
263 Dispute Resolution Policy (UDRP) proceeding without the domain being transferred to a
264 new registrar. Once the proceeding is underway, the domain will be locked in relation to
265 the dispute.
- 266 ● For registrants who legitimately want to transfer a domain shortly after registration, the
267 working group believes that 30 days is a reasonable period of time to wait.

268

269 To clarify, use of the term “lock” is not intended to imply or require a specific technical solution
270 for implementation. Rather, it is used as shorthand meaning that the domain is ineligible for
271 inter-Registrar transfer for a period of time.

272

273 Implementation Guidance:

274 N/A

275

276 Links to Charter Question(s) & Summary of Deliberations:

277 This recommendation does not have a direct link to any charter question as this issue only
278 surfaced through further analysis of transfer “locks” being applied at different stages of the
279 domain lifecycle.

280

281

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285

286 Recommendation #4: Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”

287 The working group recommends that the Transfer Policy and all related policies MUST use the
288 term “Transfer Authorization Code” or “TAC” in place of the currently used term “AuthInfo
289 Code” and related terms. This recommendation is for an update to terminology only and does
290 not imply any other changes to the substance of the policies.

291

292 Policy Impact:

293

294 **LOW** - Terminology changes only.

295

296 Recommendation Rationale:

297 The Working Group believes it is clearer for all parties, and particularly the Registered Name
298 Holder, if a single term is used universally. “Transfer Authorization Code” (TAC) provides a
299 straightforward description of the code’s function.

300

301 Implementation Guidance:

302 ICANN’s publications and webpages should also be updated to reflect the recommended
303 terminology change described in Recommendation 7.

304

305 Links to Charter Question(s) & Summary of Deliberations:

306 [b1](#)

307

308

309

310

311 Recommendation #5: TAC Definition

312 The working group recommends that the Transfer Authorization Code MUST be defined as
313 follows: “A Transfer Authorization Code (TAC) is a token created by the Registrar of Record and
314 provided upon request to the RNH or their designated representative. The TAC is required for a
315 domain name to be transferred from one Registrar to another Registrar and when presented
316 authorizes the transfer.”³ Relevant policy language MUST be updated to be consistent with this
317 definition.

- 318 ● “Designated representative” means an individual or entity that the Registered
319 Name Holder explicitly authorizes to request and obtain the TAC on their behalf.

³ Note: This definition draws on elements included in Recommendation 10.

320 In the event of a dispute, the RNH’s authority supersedes that of the designated
321 representative.

322

323 **Policy Impact:**

324

325 **LOW** - Clarification of definition.

326

327 **Recommendation Rationale:**

328 This definition is a revision of a text included on the [ICANN.org](https://www.icann.org) website, updated to make clear
329 that the TAC’s function is to verify that the Registered Name Holder (RNH) requesting the
330 transfer is the same RNH who holds the domain. For the avoidance of doubt, the term
331 “designated representative” introduced by the working group in Recommendation 5 is distinct
332 from the concept of a “designated agent,” which is defined in Transfer Policy Section I.A.1.2.

333

334 **Implementation Guidance:**

335 N/A

336

337 **Links to Charter Question(s) & Summary of Deliberations:**

338 [b1](#)

339

340

341

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345 **Recommendation #6: Service Level Agreement (SLA) for TAC Provision**

346 The working group confirms that the Transfer Policy MUST continue to require Registrars to set
347 the TAC at the Registry and issue the TAC to the RNH or their designated representative within
348 five calendar days of a request, although the working group recommends that the policy state
349 the requirement as [5 calendar days/] 120 hours rather than 5 calendar days* to reduce any risk
350 of confusion. The working group further recommends that the policy MUST make clear that [5
351 calendar days/] 120 hours is the maximum and not the standard period in which the TAC is to
352 be issued.

353

354 **Policy Impact:**

355

356 **LOW** - Clarification of status quo.

357

358 Recommendation Rationale:

359 The working group did not identify a compelling reason to change the five-day response time
360 frame but believes that it is clearer to express the time frame in hours rather than calendar
361 days. The working group recommends that the policy MUST make clear that 120 hours is the
362 maximum and not the standard period in which the TAC is to be issued, in order to highlight
363 that quicker turnaround is possible and desirable in many cases.

364

365 Implementation Guidance:

366 N/A

367

368 Links to Charter Question(s) & Summary of Deliberations:

369 [b3](#)

370

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372

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374

375 Recommendation #7: TAC Composition

376 The working group recommends that the minimum requirements for the composition of a TAC
377 MUST be as specified in RFC 9154, including all successor standards, modifications or additions
378 thereto relating to Secure Authorization Information for Transfer. The requirement in section
379 4.1 of RFC 9154 regarding the minimum bits of entropy (i.e., 128 bits) should be a MUST in the
380 policy until a future RFC approved as “Internet Standards” (as opposed to Informational or
381 Experimental standards) through the applicable IETF processes updates the security
382 recommendation.

383

384 Policy Impact:

385

386 **MEDIUM** - Updated security requirements to the TAC will involve planning and system changes
387 for registrars and enhanced security for registrants.

388

389 Recommendation Rationale:

390 The working group supports the statement in RFC 9154 section 4.1 that “For authorization
391 information to be secure, it MUST be generated using a secure random value.”

392 Recommendation 7 brings requirements for the composition of the TAC in line with RFC 9154,
393 including all successor standards, modifications or additions thereto relating to Secure
394 Authorization Information for Transfer.

395

396 Implementation Guidance:

397 N/A

398

399 Links to Charter Question(s) & Summary of Deliberations:400 [a4](#), [b2](#)

401

402

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404

405 Recommendation #8: Verification of TAC Composition

406 The working group recommends that, at the time that the TAC is stored in the Registry system,
407 the Registry MUST verify that the TAC meets the syntax requirements specified in
408 Recommendation 7.

409

410 Policy Impact:

411

412 **MEDIUM** - New requirements for registries will require planning and system changes.

413

414 Recommendation Rationale:

415 Registry verification provides a check on the randomness of the authorization information
416 generated by the Registrar.

417

418 Implementation Guidance:

419 N/A

420

421 Links to Charter Question(s) & Summary of Deliberations:422 [a4](#), [b2](#)

423

424

425

426

427 Recommendation #9: TAC Time to Live (TTL)

428 The working group recommends that:

429

430 9.1: The TAC MUST be valid for 14 calendar days / 336 hours from the time it is set at the
431 Registry, enforced by the Registry.

432

433 9.2: The Registrar of Record MAY reset the TAC to null⁴ prior to the end of the 14th calendar day
434 / 336 hours by agreement by the Registrar of Record and the RNH.

435

436 **Policy Impact:**

437

438 **MEDIUM** - New requirements for both registries and registrars will require planning and system
439 changes.

440

441 **Recommendation Rationale:**

442 The purpose of the standard Time to Live (TTL) is to enforce security around unused TACs (e.g.,
443 requested/received but not used), in a situation where the TAC may be stored in a registrant's
444 email or other communications storage. The working group arrived at the conclusion that the
445 TAC TTL must be no more than 14 calendar days / 336 hours and notes that a 14-day / 336 hour
446 period is appropriate in order to accommodate transfer-related business processes associated
447 with different registrar models.

448

449 The working group extensively discussed whether the Registry or Registrar should enforce the
450 14-day TTL and requested community input on this question through public comment on the
451 Phase 1A Initial Report. The working group recommends enforcement by the Registry for the
452 following reasons:

- 453 ● For accuracy: If the sponsoring Registrar is required to expire the TAC by updating it to
454 null, there is a possibility that at the time when the TAC is set to expire, either the
455 Registrar or Registry systems have an outage (or there is a communication interruption).
456 This means that the TAC expiration would be delayed until the transaction could be
457 completed, opening a window for possible usage of a TAC that the sponsoring Registrar
458 had deemed expired.
- 459 ● For consistency: Having a centralized approach at the Registry allows prospective
460 Gaining Registrars to know that every TAC will expire at 14 days / 336 hours regardless
461 of the sponsoring/provisioning Registrar.
- 462 ● For security: Every TAC in a Registry has a maximum lifetime that is enforced
463 consistently. This prevents the existence of any long-lived TAC, which could be used as
464 part of an unauthorized or unintended inter-Registrar transfer.

465

466 With respect to 15.2, the working group acknowledged that there may be a variety of
467 circumstances in which the Registrar of Record and the Registered Name Holder may want to
468 mutually agree to reset the TAC to NULL prior to the end of the 14th calendar day. The working

⁴ Ibid.

469 group included this language to ensure that Registrars are permitted to do so under relevant
470 circumstances.

471

472 **Implementation Guidance:**

473 N/A

474

475 **Links to Charter Question(s) & Summary of Deliberations:**

476 [b4](#)

477

478

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482 **Recommendation #10: TAC Generation, Storage, and Provision**

483 The working group recommends that:

484

485 10.1: The TAC MUST only be generated by the Registrar of Record upon request by the
486 RNH or their designated representative.

487

488 10.2: When the Registrar of Record sets the TAC at the Registry, the Registry MUST store
489 the TAC securely, at least according to the minimum standard set forth in RFC 9154 (or
490 its successors).

491

492 **Policy Impact:**

493

494 **MEDIUM** - Recommendation adds new TAC security requirements for both registrars and
495 registries and will involve planning and system changes.

496

497 **Recommendation Rationale:**

498 Currently, it can be the case that a TAC exists and is stored over an extended period of time and
499 therefore can be at risk of breach or theft, for example at the Registrar of Record or via an
500 RNH's email account. This recommendation seeks to reduce the risk of unintended disclosure of
501 the TAC by ensuring that the TAC is only generated at the point that it is needed to initiate an
502 inter-Registrar transfer, reducing the risk of the TAC getting in the wrong hands once it is
503 generated (Recommendation 9.1). This recommendation further protects against breach or
504 theft at the Registry by ensuring that the Registry stores the TAC in a secure manner
505 (Recommendation 9.2).

506

507 Implementation Guidance:

508 RFC 9154 recommends using a strong one-way cryptographic hash with at least a 256-bit hash
509 function, such as SHA-256 [FIPS-180-4], and with a per-authorization information random salt
510 with at least 128 bits.⁵

511

512 Links to Charter Question(s) & Summary of Deliberations:

513 [a4](#)

514

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518 Recommendation #11: Notification of TAC Issuance

519 The working group recommends that the Registrar of Record MUST send a “Notification of TAC
520 Issuance”⁶ to the RNH without undue delay but no later than 10 minutes after the Registrar of
521 Record issues the TAC.⁷ For the purposes of sending the notification, the Registrar of Record
522 MUST use contact information as it was in the registration data at the time of the TAC request.

523

524 11.1: This notification MUST be provided in English and in the language of the registration
525 agreement and MAY also be provided in other languages.

526

527 11.2: The following elements MUST be included in the “Notification of TAC Issuance”:

- 528 ● Domain name(s)
- 529 ● Explanation that the TAC will enable the transfer of the domain name to another
530 registrar
- 531 ● Date and time that the TAC was issued and information about when the TAC will
532 expire

⁵ [FIPS-180-4] National Institute of Standards and Technology, U.S. Department of Commerce, "Secure Hash Standard, NIST Federal Information Processing Standards (FIPS) Publication 180-4", DOI10.6028/NIST.FIPS.180-4, August 2015, <<https://csrc.nist.gov/publications/detail/fips/180/4/final>>.

⁶ The working group recognizes that this notification MAY be sent via email, SMS, or a secure messaging system determined by the Registrar. These examples are not intended to be limiting, and it is understood that additional methods of notification MAY be created that were not originally anticipated by the working group.

⁷ The working group recognizes that from a security perspective, it is best for the “Notification of TAC Issuance” to be delivered by a method of communication that is different from the method used to deliver the TAC. If this is not possible, and the same method of communication is used, the Registrar of Record MAY choose to send the "Notification of TAC Issuance" and the TAC together in a single communication.

- 533
- Instructions detailing how the RNH can take action if the request is invalid (how to invalidate the TAC)
- 534
- If the TAC has not been issued via another method of communication, this communication will include the TAC
- 535
- 536
- 537
- 538

539 **Policy Impact:**

540

541 **MEDIUM** - This recommendation requires a new notification. Implementation of this feature will require planning and system updates for registrars, and the RNH will experience changes from the current transfer policy.

542

543

544

545 **Recommendation Rationale:**

546 This recommendation seeks to ensure that the RNH consistently receives the necessary information with respect to an inter-Registrar transfer. If the RNH receives the notice and determines that the action on the account is unauthorized or unintended, the RNH may seek to invalidate the TAC before the transfer completes. The working group has recommended additional security enhancements to the inter-registrar transfer process, including these changes to the TAC, in recognition of the removal of the Gaining FOA and the importance of ensuring inter-registrar transfers remain secure under the new domain name landscape. Additional details regarding the working group's thinking can be found in the discussions section of Annex A.

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556 **Implementation Guidance:**

557 In cases where a customer uses a Privacy/Proxy service and the contact information associated with the underlying customer is known to the Registrar of Record, the Registrar of Record MAY send the notification directly to the underlying customer.

558

559

560

561 **Links to Charter Question(s) & Summary of Deliberations:**

562 [a4](#), [a7](#), [a8](#)

563

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565

566

567 **Recommendation #12: Verification of TAC Validity**

568 The working group recommends that the Transfer Policy include the following requirement:
569 Registry Operator MUST verify that the TAC provided by the Gaining Registrar is valid in order
570 to accept an inter-Registrar transfer request.

571

Policy Impact:

573

LOW - This recommendation confirms the status quo under the Temporary Specification, i.e., no significant change is involved.

576

Recommendation Rationale:

This recommendation is consistent with Appendix G: Supplemental Procedures to the Transfer Policy contained in the Temporary Specification for gTLD Registration Data.

580

Implementation Guidance:

N/A

583

Links to Charter Question(s) & Summary of Deliberations:[b2](#)

586

587

Recommendation #13 TAC is One-Time Use

The working group recommends that the TAC as created by the Registrar of Record according to Recommendation 11, MUST be “one-time use.” In other words, it MUST be used no more than once per domain name. The Registry Operator MUST reset the TAC to null⁸ when it accepts a valid TAC from the Gaining Registrar.

593

Policy Impact:

595

MEDIUM - New requirements for registrars will involve planning and system changes.

597

Recommendation Rationale:

The one-time use principle limits the number of transactions that can be completed using a single password to one, reducing the damage that can be caused by a bad actor. The working group believes that it is good practice to manage the TAC following the one-time use principle.

602

Implementation Guidance:

N/A

605

⁸ In the context of this recommendation, “reset the TAC to null” is to have the opposite meaning of setting the TAC. In other words, Recommendation 9.2 provides that the Registrar of Record sets the TAC at the Registry; here, the Registry is reversing that action.

Links to Charter Question(s) & Summary of Deliberations:

606 [b1](#)

607

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610

Recommendation #14 Maintenance of Records

613 The Registrar MUST retain all records pertaining to the provision of the Transfer Authorization
614 Code (TAC)⁹ to a Registered Name Holder, as well as all notifications sent per the requirements
615 under the Transfer Policy. At a minimum, the records retained MUST document the date/time,
616 means, and contact(s) to whom the TAC and notifications are sent. The Registrar MUST
617 maintain these records for the shorter of 15 months or the longest period permitted by
618 applicable law, and during such period MUST provide such records to ICANN upon reasonable
619 notice.

620

Policy Impact:

621

622 **LOW** - Registrars must already maintain relevant records; this recommendation seeks to make
623 the retention period consistent with the Registration Data Policy, because it also processes
624 personal data of the RNH.
625

626

Recommendation Rationale:

627 This recommendation seeks to ensure that the necessary information is available to ICANN org
628 in the case of a Compliance investigation related to an inter-Registrar transfer. The 15-month
629 retention period specified in this recommendation is consistent with requirements anticipated
630 to be included in the Registration Data Policy.
631

632

Implementation Guidance:

633 N/A

634

Links to Charter Question(s) & Summary of Deliberations:

635 [a5](#)

636

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638

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640

641

⁹ Details about the Transfer Authorization Code (TAC) will be discussed in detail later in these recommendations.

642 Recommendation #15: Gaining Form of Authorization (FOA)

643 The working group recommends eliminating from the Transfer Policy the requirement that the
644 Gaining Registrar send a Gaining Form of Authorization. This requirement is detailed in section
645 1.A.2 of the Transfer Policy.

646

647 Policy Impact:

648

649 **LOW** - Since the introduction of GDPR, compliance enforcement of the Gaining FOA has been
650 placed on hold, and registrars do not use the Gaining FOA to confirm transfers. Accordingly, this
651 recommendation does not change the current practice.

652

653 Recommendation Rationale:

654 As discussed in detail in the working group's response to charter question a1, the inter-
655 Registrar transfer process has functioned without the Gaining FOA since the GDPR went into
656 force, and the working group has not encountered any evidence that there has been an
657 increase in unauthorized transfers since the Gaining FOA was functionally eliminated. It has not
658 found any other indications that the transfer process is malfunctioning without the Gaining FOA
659 requirement. Therefore, the working group sees no evidence that the Gaining FOA is needed
660 for the purpose of facilitating the transfer or protecting the RNH from unauthorized transfers.

661

662 Implementation Guidance:

663 N/A

664

665 Links to Charter Question(s) & Summary of Deliberations:

666 [a1](#), [j1](#)

667

668

669

670

671 Recommendation #16: Registry Transmission of IANA ID to Losing Registrar

672 The Registry Operator MUST provide the Gaining Registrar's IANA ID to the Losing Registrar in
673 the notification of a pending transfer request, which will enable the Losing Registrar to provide
674 this information in the Transfer Confirmation and Notification of Transfer Completion.

675

676 Policy Impact:

677

678 **MEDIUM** - This recommendation involves a new requirement for registries, which will involve
679 planning and system updates.

680

681 Recommendation Rationale:

682 Currently, not all Registry Operators use the Gaining Registrar’s IANA ID when notifying a Losing
683 Registrar of a pending transfer request. Instead, some Registry Operators use a separate,
684 internal client ID that does not correspond to the IANA ID. This recommendation enables the
685 Losing Registrar to consistently provide the IANA ID in the Transfer Confirmation and
686 Notification of Transfer Completion. In the case of a legitimate transfer, this information allows
687 the RNH to confirm that the desired action was completed as requested. If the transfer is not
688 consistent with the RNH’s intent, the IANA ID is an important data point to assist the RNH with
689 investigating the issue.

690

691 Implementation Guidance:

692 N/A

693

694 Links to Charter Question(s) & Summary of Deliberations:695 [a7](#)

696

697

698

699

700 Recommendation #17 Losing Form of Authorization (FOA)

701 The working group did not reach agreement to eliminate or substantially change the
702 Obligations of the Registrar of Record described in Section I.A.3.1 - I.A.3.6 of the Transfer Policy.
703 Therefore, the working group recommends that these requirements will largely remain in place.
704 The working group recommends the following minor modifications:

705

706 17.1: The term “Transfer Confirmation” MUST be used in place of “Standardized Form of
707 Authorization (FOA).”

708

709 17.2: The Transfer Confirmation language MUST include the Gaining Registrar’s IANA ID
710 and a link to ICANN-maintained webpage listing accredited Registrars and corresponding
711 IANA IDs. If available, the name of the Gaining Registrar MAY also be included.

712

713 17.3: The Transfer Confirmation MUST be provided in English and the language of the
714 registration agreement and MAY also be provided in other languages.

715

716 17.4: The timeframe of five (5) calendar days specified in section I.A.3.5 of the policy
717 MUST be expressed in both calendar days and hours: “Failure by the Registrar of Record

718 to respond within five (5) calendar days / 120 hours to a notification from the Registry
719 regarding a transfer request will result in a default "approval" of the transfer."
720

721 **Policy Impact:**

722
723 **LOW** - Status quo largely remains unchanged.
724

725 **Recommendation Rationale:**

726 Please see response to charter question a7 for a summary of the working group's deliberations
727 on the Transfer Confirmation. Regarding the minor modifications recommended by the working
728 group:

- 729 • The term "Losing Form of Authorization" may be confusing to the RNH, and therefore
730 the working group recommends an update in terminology to "Transfer Confirmation,"
731 which more accurately describes the function that is served.
- 732 • With inclusion of the IANA ID in the Transfer Confirmation, the RNH can confirm that the
733 Gaining Registrar matches the Registrar to whom the RNH intends to transfer to
734 domain. If the pending transfer is not consistent with the RNH's intent, the IANA ID is an
735 important data point to assist the RNH with investigating the issue.
- 736 • Providing the Transfer Confirmation in English and the language of the registration
737 agreement improves accessibility for the RNH.

738 Consistent with the other recommendations in this report, the working group recommends
739 specifying timeframes in both calendar days and hours for greater clarity.
740

741 **Implementation Guidance:**

742 The working group notes that the 30-day post-transfer restriction is an important security
743 mechanism to prevent registrar hopping and potential domain theft, however the working
744 group also recognizes that there may be situations where early removal of the 30-day post-
745 transfer restriction is necessary. Such situations identified by the working group may include,
746 but are not limited to:

- 747 • Well informed, documented, clearly intentional request by the registrant
- 748 • Mutual agreement between the prior and current registrar of a transfer back to the prior
749 registrar
- 750 • Legitimate circumstances surrounding an escrow intermediary affecting the completion of
751 the acquisition of the involved registered domain name
- 752 • To complete documented registered domain name acquisition (aftermarket purchase,
753 portfolio consolidation, or bona fide purchase)
- 754 • Intentional release of the registered domain name that had transferred to the registrar
755 where it becomes evident the domain name use would be in violation of the registrar's

756 Acceptable Use Policy (AuP), Terms of Service (ToS), or local law or other similar
757 governance.

758

759 **Links to Charter Question(s) & Summary of Deliberations:**

760 [a7](#)

761

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763

764

765 **Recommendation #18 - Transfer Restriction After Inter-Registrar Transfer**

766 The Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within
767 30 calendar days / 720 hours of the completion of an inter-Registrar transfer. To the extent that
768 a Registry and/or Registrar has an existing policy and/or practice of restricting the RNH from
769 transferring a domain name to a new Registrar for a different period of time following an inter-
770 Registrar transfer, all policies and practices MUST be updated to be consistent with this new
771 requirement. However, the working group recognizes that there may be situations where early
772 removal of the 30-day restriction described in Recommendation 18 is **appropriate**. Accordingly,
773 the Registrar MAY remove the 30-day inter-registrar transfer restriction early only if all of the
774 below conditions are met:

775

776 18.1: The Registrar MUST be able to demonstrate that it received a specific request to
777 remove the 30-day restriction from the Registered Name Holder;

778 18.2: The Registrar MUST ensure the request to remove the restriction was requested
779 by the Registered Name Holder;

780 18.3: The specific request includes a reasonable basis for removal of the restriction; and

781 18.4: The Registrar MUST maintain a record demonstrating the request to remove the
782 restriction (regardless of outcome) for a period of no fewer than fifteen (15) months
783 following the end of the Registrar's sponsorship of the registration.

784

785 **Policy Impact:**

786

787 **MEDIUM** - New post-transfer restriction is reduced from an inconsistently-applied 60 days to a
788 consistently-applied 30 days via Consensus Policy. NOTE: The working group discussed the
789 mandatory 30-day post-inter-registrar transfer restriction and noted the mandatory restriction

790 gave the group more comfort with the inability to send the Gaining FOA and other previous
791 security features.

792

793 **Recommendation Rationale:**

794 The working group believes that a single requirement across the industry will result in a better
795 experience for registrants and will also consistently prevent the transfer of a domain multiple
796 times in rapid succession, a practice associated with domain theft. The working group
797 recommends that 30 days is the appropriate period for this requirement because:

- 798 • It provides a window of opportunity to identify issues associated with credit card payments,
799 including unauthorized use of a credit card. This may assist with addressing criminal activity
800 and deterring fraud.
- 801 • For registrants who legitimately want to transfer a domain again shortly after an inter-
802 registrar transfer has taken place, 30 days is a reasonable period of time to wait.

803

804 **Implementation Guidance:**

805 The working group notes that the 30-day post-transfer restriction is an important security
806 mechanism to prevent registrar hopping and potential domain theft, however the working
807 group also recognizes that there may be situations where early removal of the 30-day post-
808 transfer restriction is necessary. Such situations identified by the working group may include,
809 but are not limited to:

- 810 • Well informed, documented, clearly intentional request by the registrant
- 811 • Mutual agreement between the prior and current registrar of a transfer back to the prior
812 registrar
- 813 • Legitimate circumstances surrounding an escrow intermediary affecting the completion of
814 the acquisition of the involved registered domain name
- 815 • To complete documented registered domain name acquisition (aftermarket purchase,
816 portfolio consolidation, or bona fide purchase)
- 817 • Intentional release of the registered domain name that had transferred to the registrar
818 where it becomes evident the domain name use would be in violation of the registrar's
819 Acceptable Use Policy (AuP), Terms of Service (ToS), or local law or other similar
820 governance.

821

822 **Links to Charter Question(s) & Summary of Deliberations:**

823 [a6, h1](#)

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829 Recommendation #19 Notification of Transfer Completion

830 The working group recommends that the Losing Registrar¹⁰ MUST send a “Notification of
831 Transfer Completion”¹¹ to the RNH without undue delay but no later than 24 hours after the
832 transfer is completed. For the purposes of sending the notification, the Losing Registrar MUST
833 use contact information as it was in the registration data at the time of the transfer request.

834

835 19.1: This notification MUST be provided in English and in the language of the registration
836 agreement and MAY also be provided in other languages.

837

838 19.2: To the extent that multiple domains have been transferred to the same Gaining
839 Registrar or to multiple Gaining Registrars at the same time, and the RNH listed in the
840 Registration Data at the time of the transfer is the same for all domains, the Registrar of
841 Record MAY consolidate the “Notifications of Transfer Completion” into a single
842 notification.

843

844 19.3: The following elements MUST be included in the “Notification of Transfer
845 Completion”:

846

- 847 ● Domain name(s)
- 848 ● IANA ID(s) of Gaining Registrar(s) and link to ICANN-maintained webpage
849 listing accredited Registrars and corresponding IANA IDs. If available, the
850 name of the Gaining Registrar(s) may also be included.
- 851 ● Text stating that the domain was transferred
- 852 ● Date and time that the transfer was completed
- 853 ● Instructions detailing how the RNH can contact the Losing (Prior)
854 Registrar for support if they believe the transfer was invalid, and any
855 deadlines or policies which may be relevant.

856

857 Policy Impact:

858

859 **MEDIUM** - This recommendation requires a new notification, which will require planning and
860 system updates for registrars.

¹⁰ This is the Registrar of Record at the time of the transfer request.

¹¹ The footnote on Recommendation 4 regarding the method by which notifications are sent equally applies to the “Notification of Transfer Completion.”

861 Recommendation Rationale:

862 This recommendation seeks to ensure that the RNH consistently receives the necessary
863 information with respect to an inter-Registrar transfer. If the RNH receives the notice and
864 determines that the transfer is unauthorized or unintended, the RNH may seek the appropriate
865 remedy.

867 Implementation Guidance:

868 In cases where a customer uses a Privacy/Proxy service and the contact information associated
869 with the underlying customer is known to the Registrar of Record, the Registrar of Record MAY
870 send the notification directly to the underlying customer.

871
872 For this recommendation and others, the following definitions from the Transfer Dispute
873 Resolution Policy reflect the accurate meaning of the terms referenced throughout this Initial
874 Report:

875

876 **Gaining Registrar:** The registrar who seeks to become the Registrar of Record by submitting a
877 transfer request.

878

879 **Losing Registrar:** The registrar who was the Registrar of Record at the time a request for the
880 transfer of domain is submitted.

881

882 **Registrar of Record:**

883 The Registrar who sponsors a domain name at the registry.

884 Links to Charter Question(s) & Summary of Deliberations:

885 [a7](#), [a8](#)

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890 Recommendation #20 Format of Transfer Policy Section I.A.3.7

891 I.A.3.7 of the Transfer Policy currently reads, "Upon denying a transfer request for any of the
892 following reasons, the Registrar of Record must provide the Registered Name Holder and the
893 potential Gaining Registrar with the reason for denial. The Registrar of Record MAY deny a
894 transfer request only in the following specific instances:" The working group recommends the
895 following revision, in bold, to the first sentence: "Upon denying a transfer request for any of the
896 following reasons, the Registrar of Record must provide the Registered Name Holder and, **upon**
897 **request**, the potential Gaining Registrar with the reason for denial." The working group further

898 recommends expressing the two sentences of this provision as two distinct provisions of the
 899 policy.

900

Policy Impact:

902

LOW - This recommendation is meant to clarify the status quo.

904

Recommendation Rationale:

906 The addition of the words “upon request” to the first sentence is intended to clarify that while
 907 the Registrar of Record always provides the reason for denial to the RNH, the Registrar of
 908 Record only provides the reason for denial to the Gaining Registrar upon request. There is no
 909 automated process to provide the reason for denial to the Gaining Registrar. This is currently
 910 the case and is expected to continue to be the case in the future. The two sentences of I.A.3.7
 911 express two distinct concepts and therefore should be separated into two different provisions.

912

Implementation Guidance:

914 N/A

915

Links to Charter Question(s) & Summary of Deliberations:

917 [h1](#)

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Recommendation #21 Revised Reasons that a Registrar of Record MAY Deny a Transfer

923 The working group recommends revising the following reasons that the Registrar of Record
 924 **MAY** deny a transfer request as follows:

925

Reference	Current Text	Revision	Rationale
I.A.3.7.1	Evidence of fraud.	Evidence of (a) fraud or (b) the domain presents an active DNS Security Threat as defined here: https://www.icann.org/dns-security-threat .	ICANN’s Contractual Compliance Department has observed difficulties from Registrars tying transfer denials involving domain names suspended for abusive activities to the denial instances contemplated by the Transfer Policy. The working group considered several possible

			<p>revisions to I.A.3.7.1, including those submitted through public comment on the Phase 1(a) Initial Report, to appropriately address the issue identified while ensuring that the text is clear and narrowly-tailored. The working group wanted to avoid recommending broad language that might enable a registrar to either a) prevent a transfer arbitrarily or b) prevent an RNH from transferring a domain from a jurisdiction where certain content or activity is illegal or restricted to another jurisdiction where that same content or activity is considered legitimate speech. The working group’s proposed revision seeks to strike this balance. The WG intentionally points to an ICANN-maintained webpage in the text to allow for changes in the specific threats that may be considered a DNS Security Threat in the ICANN context.</p>
<p>I.A.3.7.2</p>	<p>Reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.</p>	<p>Reasonable dispute over the identity of concern that the transfer was not requested by the Registered Name Holder or Administrative Contact.</p>	<p>The working group believes that the term “identity” is not appropriate in this context, in part due to concerns regarding data privacy implications. Because the issue at hand is more precisely about authority over the domain, the working group refined the text to focus on the key underlying concern, namely that the transfer request was made by a party other than the Registered Name Holder.</p> <p>Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar, therefore this term has been removed. This update is consistent with</p>

			<p>Preliminary Recommendation 15.</p> <p>The Working Group considered adding language to address other types of invalid requests or disputes by other parties. The Working Group determined that the use cases they discussed are appropriately covered by the revised language in I.A.3.7.2.</p>
<p>I.A.3.7.3</p>	<p>No payment for previous registration period (including credit card charge-backs) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.</p>	<p>Nonpayment for previous registration period (including payment disputes or credit card charge-backs) if the domain name is past its expiration date at the current Registrar of Record or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.</p>	<p>The working group has added the term "payment disputes" to reflect problems related to payments other than a credit card charge-back.</p> <p>The working group received input from ICANN's Contractual Compliance Department that the term "expiration date" in this provision is not sufficiently precise, because during the Auto-Renew Grace Period, the domain will not show as expired at the Registry level, but will show as expired at the Registrar of Record. By adding "at the current Registrar of Record" the working group has clarified that if the domain name is past its expiration date at the current Registrar of Record and the RNH has not paid for the registration period prior to that expiration date, the Registrar of Record may deny the transfer.</p> <p>The working group notes that the sentence beginning "In all such cases. . ." dates back as early as the 2002 ICANN DNSO Transfers Task Force Final Report & Recommendations. The working group believes that the Expired Registration Recovery Policy now provides the necessary guidance on</p>

			treatment of domains post-expiration and that this sentence is unnecessary in the Transfer Policy text.
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Policy Impact:

927

928 **LOW** - Clarification of existing text.

929

Recommendation Rationale:

930 The Working Group reviewed the text and proposed the above edits for clarity. The rationale
931 for the proposed changes are described within the table above.

932

Implementation Guidance:

934 N/A

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Links to Charter Question(s) & Summary of Deliberations:

936 [h1](#)

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Recommendation #22 Revised Reasons that a Registrar of Record MUST Deny a Transfer

941 The working group recommends changing the following reasons that the Registrar of Record
942 currently MAY deny a transfer into reasons that the Registrar of Record MUST deny a transfer
943 and revising the text as follows:

944

Reference	Current Text	Revision	Rationale
I.A.3.7.4	Express objection to the transfer by the authorized Transfer Contact. Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all	Express objection to the transfer by the authorized Transfer Contact Registered Name Holder . Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact Registered Name Holder to deny a particular transfer request, or a general objection to all transfer requests received	Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar. Accordingly, the RNH would be the only authorized transfer contact. The working group believes that it is logical that the Registrar of Record must deny a transfer if the Registered Name Holder expressly objects to the transfer. This update is

	cases, the objection must be provided with the express and informed consent of the authorized Transfer Contact on an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days.	by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the authorized Transfer Contact Registered Name Holder on an opt-in basis and upon request by the authorized Transfer Contact Registered Name Holder , the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact Registered Name Holder to remove the lock within five (5) calendar days.	consistent with Preliminary Recommendation 15.
I.A.3.7.5	The transfer was requested within 60 days of the creation date as shown in the registry Whois record for the domain name.	The transfer was requested within 60 30 days of the creation date as shown in the registry Whois RDDS record for the domain name.	Per working group Preliminary Recommendation 18, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the initial registration date. "Whois" has been updated to "RDDS" consistent with Preliminary Recommendation 16.
I.A.3.7.6	No payment for previous registration period (including credit card charge-backs) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.	A domain name is within 60-30 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy. This restriction does not apply in cases where the conditions described in [policy references to be inserted] are met.	Per working group Preliminary Recommendation 19, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the completion of an inter-Registrar transfer, unless the conditions described in Rec. 19.1-19.4 are met.

950 **Policy Impact:**

951

952 **LOW** - Textual changes for clarity and consistency with other policy recommendations in this
 953 report.

954

955 **Recommendation Rationale:**

956 The Working Group believes changing MAY to MUST allows for increased consistency across the
 957 industry and provides more predictability to registrants.

958

959 **Implementation Guidance:**

960 N/A

961

962 **Links to Charter Question(s) & Summary of Deliberations:**

963 [h1](#)

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970 **Recommendation #23 Revised Reasons that a Registrar of Record MUST Deny a Transfer**

971 The working group recommends revising the reasons that the Registrar of Record MUST deny a
 972 transfer request as follows:

973

Reference	Current Text	Revision	Rationale
I.A.3.8.1	A pending UDRP proceeding that the Registrar has been informed of.	A pending UDRP proceeding that the Registrar has been informed notified of by the Provider in accordance with the UDRP Rules.	The working group has refined the current text in an effort to clarify that Registrars must deny inter-Registrar transfer requests that are received after a Registrar has been notified by a UDRP Provider of a UDRP proceeding in accordance with the UDRP Rules.
I.A.3.8.2	Court order by a court of competent jurisdiction.	N/A	The working group believes that this provision continues to be appropriate and that the language is sufficiently clear.

I.A.3.8.3	Pending dispute related to a previous transfer, pursuant to the Transfer Dispute Resolution Policy.	Pending dispute related to a previous transfer, pursuant to under the Transfer Dispute Resolution Policy.	This revision is editorial in nature. It is not intended to change the meaning of the provision.
I.A.3.8.4	URS proceeding or URS suspension that the Registrar has been informed of.	Pending URS proceeding or URS suspension that the Registrar has been informed notified of by the Provider in accordance with the URS Procedure.	The term “pending” has been added for consistency with language in I.A.3.8.1 and I.A.3.8.3. In addition, the working group has refined the current text in an effort to clarify that Registrars must deny inter-Registrar transfer requests that are received after a Registrar has been notified by a URS Provider of a URS proceeding or URS suspension in accordance with the URS Procedure.
I.A.3.8.5	The Registrar imposed a 60-day inter-registrar transfer lock following a Change of Registrant, and the Registered Name Holder did not opt out of the 60-day inter-registrar transfer lock prior to the Change of Registrant request.	The Registrar imposed a 60-day inter-registrar transfer lock following a Change of Registrant, and the Registered Name Holder did not opt out of the 60-day inter-registrar transfer lock prior to the Change of Registrant request.	The Working Group is removing this text entirely as the Working Group recommends removal of the 60-day inter-registrar transfer lock from the Change of Registrant Data Policy. (See Rec. 26.4 and associated rationale for further information).

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Policy Impact:

LOW - Textual changes for clarity.

Recommendation Rationale:

The Working Group reviewed the reasons a Registrar MUST deny an inter-registrar transfer request and proposed textual edits for clarity to both registrars and registrants.

Implementation Guidance:

N/A

Links to Charter Question(s) & Summary of Deliberations:

[h1](#), [h2](#)

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Recommendation #24 Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer

The working group recommends changing the following reasons that the Registrar of Record currently MAY NOT deny a transfer into reasons that the Registrar of Record MUST NOT deny a transfer and revising the text as follows:

Reference	Current Text	Revision	Rationale
I.A.3.9.1	Nonpayment for a pending or future registration period.	<u>Implementation Guidance Regarding the Auto-Renew Grace Period</u> : Registrars are prohibited from denying domain name transfer requests based on non-payment of fees for pending or future registration periods during the Auto-Renew Grace Period, provided that any auto-renewal costs borne by the Registrar are reversible for future period.	The Working Group has provided Implementation Guidance in response to input from ICANN’s Contractual Compliance Department that it would be helpful to provide additional guidance consistent with the Registrar Advisory dated 3 April 2008 which states, “Pursuant to the Transfer Policy, registrars are prohibited from denying domain name transfer requests based on non-payment of fees for pending or future registration periods during the Auto-Renew Grace Period.”
I.A.3.9.2	No response from the Registered Name Holder or Administrative Contact.	No response from the Registered Name Holder. or Administrative Contact	Under the Registration Data Policy, Administrative Contact data is no longer collected by the registrar. Accordingly, the RNH would be the only authorized transfer contact. This update is consistent with Preliminary Recommendation 1.
I.A.3.9.3	Domain name in Registrar Lock Status, unless the Registered Name Holder is provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request.	A registrar-applied inter-registrar transfer lock is in place on the Domain name in Registrar Lock Status , for reasons other than those specified in I.A.3.7 and I.A.3.8 unless and the Registered Name Holder is not provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request pursuant to the	The updates are primarily intended to improve clarity of the provision, use terminology that will be commonly understood, and refer to the relevant provisions that should be referenced alongside I.A.3.9.3.

		requirements in sections I.A.5.1 - I.A.5.4.	
I.A.3.9.4	Domain name registration period time constraints, other than during the first 60 days of initial registration, during the first 60 days after a registrar transfer, or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2.	Domain name registration period time constraints, other than as defined in I.A.3.7.5 and I.A.3.7.6 ¹² during the first 60 days of initial registration, during the first 60 days after a registrar transfer, or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2.	The working group updated the language to reference the applicable provisions of the policy rather than repeating the details of those provisions.
I.A.3.9.5	General payment defaults between Registrar and business partners / affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration.	General payment defaults between Registrar and Reseller, as defined in the RAA, business partners / affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration.	The update is not intended to change the meaning of the provision, but rather to update legacy language to be consistent with currently used and defined terminology.

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Policy Impact:

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LOW - Textual changes for clarity.

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Recommendation Rationale:

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The Working Group reviewed the reasons a Registrar MUST DENY an inter-registrar transfer request and proposed textual edits for clarity.

1002

1003

1004

Implementation Guidance:

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N/A

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1007

Links to Charter Question(s) & Summary of Deliberations:

1008

[h1](#)

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¹² In implementation, to the extent that there is renumbering of applicable provisions, this reference should be updated accordingly.

Policy Recommendations and Impact Analysis - Group 1(b)

1013 Introduction to Group 1(b) Recommendations

1014 Change of Registrant (CoR) requirements were recommended by the [IRTP Working Group C](#) to
1015 ensure that certain changes to registrant information have been authorized by requiring
1016 registrars to obtain confirmation from the Prior Registrant¹³ and New Registrant¹⁴ before these
1017 changes are made. Specifically, CoR policy requirements are applicable under the Transfer
1018 Policy when a material change¹⁵ is made to one or more of the following: the Prior Registrant
1019 name, Prior Registrant organization, Prior Registrant email address, and/or Administrative
1020 Contact email address, if there is no Prior Registrant email address (Section II.A.1.1).

1021 In practice, this means that CoR provisions apply when a domain is transferred from one
1022 registrant to another registrant, as well as when there is no inter-registrant transfer but the
1023 registrant updates certain registration information. The Working Group comprehensively
1024 reviewed the CoR requirements and is proposing the following changes.

1025

Recommendation #25: Change of Registrant Data

1026 The working group recommends that the Transfer Policy and all related policies MUST use the
1027 term "Change of Registrant Data" in place of the currently-used term "Change of Registrant".
1028 This recommendation is for an update to terminology only and does not imply any other
1029 changes to the substance of the policies.

1030

1031 **25.1:** "Change of Registrant Data" is defined as a Material Change to the Registered
1032 Name Holder's name or organization, or any change to the Registered Name Holder's
1033 email address, **subject to the language in 25.3.**

1034

1035 **25.2:** The working group affirms that the current definition of "Material Change"
1036 remains applicable and fit for purpose.

1037

¹³ According to Section II.A.1.4 of the Transfer Policy, "Prior Registrant" means the Registered Name Holder at the time a Change of Registrant is initiated.

¹⁴ According to Section 11.A.1.5 of the Transfer Policy, "New Registrant" means the entity or person to whom the Prior Registrant proposes to transfer its domain name registration.

¹⁵ Section II.A.1.3 of the Transfer Policy defines Material Change to mean a non-typographical correction. Additional guidance in this regard is provided in the notes to the Transfer Policy.

1038 **25.3:** A “Change of Registrant Data” does not apply to the addition or removal of
1039 Privacy/Proxy Service Provider (P/P) data in RDDS when such P/P services are provided
1040 by the Registrar or its Affiliates.

1041

1042 **Policy Impact:**

1043

1044 25: **LOW** - Update to terminology only.

1045 25.1: **LOW** - Confirms status quo.

1046 25.2: **LOW** - Confirms status quo.

1047 25.3: **MEDIUM** - Provides new guidance on the addition/removal of privacy/proxy services, i.e.,
1048 the addition or removal of a P/P service does not constitute a Change of Registrant Data.

1049

1050 **Recommendation Rationale:**

1051 The Working Group believes this updated terminology and text related to exceptions more
1052 clearly denotes the purpose of the policy, and helps ensure that it is followed where relevant
1053 and appropriate. In discussing the addition and removal of Privacy/Proxy data, the working
1054 group decided to exclude this from the definition of Change of Registrant Data because these
1055 changes were not considered relevant or appropriate for a Change of Registrant Data.

1056

1057 **Implementation Guidance:**

1058 N/A

1059

1060 **Links to Charter Question(s) & Summary of Deliberations:**

1061 [d2](#), [d3](#), [d9](#), [d10](#), [e2](#), [j1](#)

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Recommendation #26: Standalone Policy and Updates to Section II of Transfer Policy

1066 The Working Group recommends eliminating Section II from the Transfer Policy; instead, the
1067 Working Group recommends that a standalone “Change of Registrant Data” policy MUST be
1068 established, existing outside of the revised Transfer Policy. **For the avoidance of doubt, the**
1069 **Working Group is not recommending a new PDP to establish this standalone policy; instead, the**
1070 **Working Group is recommending the Change of Registrant Data Policy be created as part of the**
1071 **implementation of these policy recommendations.** As part of the implementation of the new
1072 standalone Change of Registrant Data Policy, the Working Group recommends the following
1073 changes from the existing policy language in Section II of the Transfer Policy.

1074

1075 **26.1:** The Working Group recommends that the role and definition of “Designated
1076 Agent” is no longer fit for purpose. Accordingly, the working group recommends all
1077 references to Designated Agent MUST be eliminated from the future standalone Change
1078 of Registrant Data Policy.

1079
1080 **26.2** The Working Group recommends eliminating Section II.B “Availability of Change of
1081 Registrant” from the future standalone Change of Registrant Data Policy.

1082
1083 **26.3** The Working Group recommends eliminating from the future Change of Registrant
1084 Data Policy the requirement that the Registrar request and obtain confirmation from
1085 both the Prior Registrant and the New Registrant prior to processing a Change of
1086 Registrant Data as detailed in Sections II.C.1.2 and II.C.1.4 of the Transfer Policy.

1087
1088 **26.4:** The Working Group recommends eliminating from the future Change of Registrant
1089 Data Policy the requirement that the Registrar impose a 60-day inter-registrar transfer
1090 lock following a Change of Registrant. This requirement is detailed in section II.C.2 of the
1091 Transfer Policy. Additionally, the Working Group recommends eliminating from the
1092 Transfer Policy the text regarding opting out of the 60-day lock, as this text has been
1093 overtaken by the removal of the lock requirement from the Transfer Policy.

1094
1095 **Policy Impact:**

1096
1097 **26:** **LOW**- Recommendation suggests separation of policies only.

1098 **26.1 MEDIUM** - Change from status quo, which will require planning and system changes for
1099 registrars. This recommendation is not meant to explicitly prohibit the use of designated agents
1100 or representatives in other contexts where this is allowable.

1101 **26.2 LOW** - Current requirements under Section II.B are largely duplicative of existing policies
1102 and therefore do not need to be restated.

1103 **26.3 HIGH** - Removal of requirements to obtain confirmation from Prior and New Registrant

1104 **26.4 HIGH** - Removal of post-Change of Registrant Data transfer restriction (AKA 60-day lock)

1105
1106 **Recommendation Rationale:**

1107 The Working Group believes separating the two policies is the best way to ensure that the
1108 Change of Registrant Data (CORD) process is clearly documented and defined. The CORD is not
1109 a registrar transfer and, accordingly, the requirements should reside in a standalone policy.
1110 Additionally, the Working Group believes the CORD process should be available at any time
1111 during a domain’s registration period. Rationale regarding the working group’s proposed
1112 elimination of the 60-day lock can be found in its responses to Charter Questions d4-d8.

1113

Implementation Guidance:

1115 N/A

1116

Links to Charter Question(s) & Summary of Deliberations:1118 [d2](#), [d3](#), [d6](#), [d7](#), [d8](#), [d12](#), [d13](#), [d14](#), [d15](#), [d16](#), [d17](#), [e2](#), [j1](#)

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Recommendation #27: Change of Registrant Data Notification

1123 As part of the implementation of the new standalone Change of Registrant Data Policy, the
1124 working group recommends that, following a Change of Registrant Data and ***subject to the opt***
1125 ***out requirements described in Recommendation 28***, the Registrar MUST send a Change of
1126 Registrant Data notification to the Registered Name Holder without undue delay, but no later
1127 than 24 hours after the Change of Registrant Data occurred. (emphasis added)

1128

1129 **27.1:** This notification MUST be written in the language of the registration agreement
1130 and MAY also be provided in English or other languages.

1131

1132 **27.2:** The Registrar MUST include the following elements in the Change of Registrant
1133 Data notification:

1134

- Domain name(s)
- Text stating which registrant data field(s) were updated
- Date and time that the Change of Registrant Data was completed
- Instructions detailing how the registrant can take action if the change was invalid (how to initiate a reversal)

1135

1136

1137

1138

1139

1140 **27.3:** The Registrar MUST send the notification via email, SMS, or other secure
1141 messaging system. These examples are not intended to be limiting, and it is understood
1142 that additional methods of notification may be created that were not originally
1143 anticipated by the working group.

1144

1145 **27.4:** When a change to the Registered Name Holder's email address occurs, and subject
1146 to the opt out requirements described in Recommendation 28:

- 1147 a. the Registrar MUST send the Change of Registrant Data notification to the RNH's
1148 prior email address (the email address that was on file with the Registrar
1149 immediately prior to the change).
- 1150 b. the Registrar MAY send the Change of Registrant Data notification to the RNH's
1151 new email address.
- 1152 c. the Registrar MAY additionally send the Change of Registrant Data notification to
1153 the RNH via SMS or other secure messaging system.

1154

1155 **27.5:** The Registrar MAY send additional notifications resulting from changes to the
1156 Registered Name Holder's phone number, postal address, Account Holder information,
1157 or other contact information used by the Registrar to associate the RNH with their
1158 domain name or relevant account.

1159

1160 **27.6:** To the extent that the Change of Registrant Data is requested for multiple
1161 domains, and the Registered Name Holder is the same for all domains, the Registrar of
1162 Record MAY consolidate the Change of Registrant Data notifications into a single
1163 notification.

1164

1165 **27.7:** To the extent that the Change of Registrant Data may incur a verification request
1166 to be sent to the Registered Name Holder pursuant to the RDDS Accuracy Program
1167 Specification, the Registrar of Record MAY consolidate the optional Change of Registrant
1168 Data notification and the verification request into a single notification, where applicable.

1169

1170

1171 **Policy Impact:**

1172 **HIGH** - Read together with Recommendation 28, these two recommendations (Rec. 27 and Rec.
1173 28) have a high impact, in that a mandatory notification is now a notification that registrants
1174 may opt out of.

1175

1176 **Recommendation Rationale:**

1177 The Working Group believes that notifying the RNH of the CORD update helps to ensure that
1178 unintended or unexpected changes are caught and addressed promptly. Further, many RNHs
1179 prefer not to receive this type of notification, so the Working Group recommends they be
1180 permitted to opt out of having their registration data used for this purpose (See
1181 Recommendation 28). With regard to the language and required elements of the CORD
1182 notification, the Working Group wants to ensure the RNH understands the language of the
1183 notification and is empowered with full context of the update.

1184

1185 The Working Group believes it is important to ensure that the RNH receives this information.
1186 The group also recognizes that communications methods change with time and technological
1187 advances, and that registrars may have different preferred paths for communication based on
1188 their relationships with their registrants. The working group understands that the registrar
1189 should be able to determine the best communication method and experience for the RNH.

1190

1191 With regard to the RDDS Accuracy Program Specification (RAPS), the working group recognizes
1192 that these two processes are related and may be used together for the best registrant
1193 experience.

1194

1195 **Implementation Guidance:**

1196 N/A

1197

1198 **Links to Charter Question(s) & Summary of Deliberations:**

1199 [d5](#), [d8](#)

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Recommendation #28: Opt out of Change of Registrant Data Notification

1204 The Working Group recommends that Registrars MAY provide Registered Name Holders with
1205 the option to opt out of receiving Change of Registrant Data notifications. IF the Registrar
1206 chooses to provide the Change of Registrant Data notification opt-out option to the Registered
1207 Name Holder, THEN the following recommendations apply:

1208

1209 **28.1:** The Registrar MUST enable Change of Registrant Data notifications by default (i)
1210 when a domain name is initially registered AND (ii) when a domain name is transferred
1211 in from another Registrar.

1212

1213 **28.2:** If the Registered Name Holder elects to opt out of Change of Registrant Data
1214 notifications, the Registrar MAY disable Change of Registrant Data notifications,
1215 provided the opt out occurs AFTER initial domain name registration or the completion of
1216 an inter-registrar transfer.

1217

1218 **28.3:** The Registrar MUST provide clear instructions for how the Registered Name
1219 Holder can opt out of (and opt back in to) Change of Registrant Data notifications.
1220 Additionally, the Registrar MUST provide warning of the consequences associated with

1221 opting out of these notifications, enabling the RNH to make an informed decision
1222 whether to opt out.

1223

1224 **28.4:** The Registrar MUST maintain a record demonstrating that the Registrar validated
1225 that the opt-out was requested by the Registered Name Holder. The Registrar MUST
1226 retain this record for a period of no fewer than fifteen (15) months following the end of
1227 the Registrar’s sponsorship of the registration.

1228

1229 **28.5:** The Change of Registrant Data notification opt-out option does not apply to any
1230 verification notices sent pursuant to the RDDS Accuracy Program Specification.

1231

1232 **28.6:** The Registrar MAY modify their opt-out option at the data field level. For example,
1233 a Registrar may choose to offer an opt out for material changes to the Registrant Name
1234 or Registrant Organization but not allow an opt out for a change to the Registered Name
1235 Holder’s email address.

1236

1237 **Policy Impact:**

1238 **HIGH** - Read together with Recommendation 27, these two recommendations (Rec. 27 and Rec.
1239 28) have a high impact, in that a mandatory notification is now a notification that registrants
1240 may opt out of.

1241

1242 **Recommendation Rationale:**

1243 The Working Group believes it is beneficial to ensure that the RNH is notified of changes to
1244 their domain registration data, in case the change was inadvertent (e.g., they thought they
1245 were updating a different domain) or unauthorized (e.g., someone accessed their account
1246 without permission), while the RNH should also be empowered to turn off these notices.

1247

1248 The Working Group understands that these notifications are a personal data processing activity
1249 which may not be deemed absolutely necessary, and so the working group recommends the
1250 RNH be able to decide if they want to receive these notices or not. Since the notification is sent
1251 for security purposes, it should be required by default with the option to turn it off provided.

1252 The Working Group also believes the mandatory provision of the consequences associated with
1253 opting out of these notifications will help the RNH understand their options which have security
1254 benefits.

1255

1256 With regard to the RDDS Accuracy Program Specification (RAPS), the Working Group believes
1257 RAPS is for a different purpose and should not be affected by this CORD process.

1258

1259 **Implementation Guidance:**

1260 N/A

1261

1262 **Links to Charter Question(s) & Summary of Deliberations:**

1263 [d8](#)

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Policy Recommendations and Impact Analysis - Group 2

1268

Introduction to Group 2 Recommendations

1269

Transfer Emergency Action Contact (TEAC)

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According to Section I. A.4.6 of the Transfer Policy, registrars are required to designate a

1271

Transfer Emergency Action Contact (TEAC) to facilitate urgent communications relating to inter-

1272

Registrar transfers with the goal of quickly establishing a real-time conversation between

1273

registrars in case of an emergency.

1274

Transfer Dispute Resolution Policy (TDRP)

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In any dispute relating to inter-registrar domain name transfers, registrars are encouraged to

1276

first attempt to resolve the problem among the registrars involved in the dispute. In cases

1277

where this is unsuccessful and where a registrar elects to file a dispute, the Transfer Dispute

1278

Resolution Policy (TDRP) details the requirements and process to do so.

1279

ICANN-Approved Transfers

1280

Section I.B of the Transfer Policy provides requirements related to an ICANN-approved bulk

1281

transfer of a registrar's gTLD domain names, or a portion thereof, to another registrar.

1282

During discussions on the Group 2 topics, the Working Group reviewed the TEAC, TDRP, and

1283

ICANN-approved transfers and is proposing the following changes.

1284

1285

Recommendation #29: Timing for Initiating Contact with a Transfer Emergency Action Contact (TEAC)

1286 Section I.A.4.6.3 of the Transfer Policy states, “Messages sent via the TEAC communication
1287 channel must generate a non-automated response by a human representative of the Gaining
1288 Registrar. The person or team responding must be capable and authorized to investigate and
1289 address urgent transfer issues. Responses are required within 4 hours of the initial request,
1290 although final resolution of the incident may take longer.” The working group recommends that
1291 the policy must be revised to update the required timeframe for initial response from 4 hours
1292 to 24 hours / 1 calendar day.

1293

Policy Impact:

1295

1296 **LOW** - Time for responding to communications via the TEAC channel has been extended from 4
1297 hours to 24 hours, reducing the operational burden on registrars while still requiring timely
1298 response to issues.

1299

Recommendation Rationale:

1301 The text of this recommendation sets clear and consistent expectations regarding a “reasonable
1302 period of time” while allowing flexibility to use the channel outside of this timeframe under
1303 exceptional circumstances that may still constitute an emergency. Under such circumstances,
1304 the Gaining Registrar must provide the Losing Registrar with a written justification. As discussed
1305 in the working group’s response to charter question f4, the 30-day timeframe for initial contact
1306 aligns with the 30-day transfer restriction following initial registration and inter-Registrar
1307 transfer, detailed in recommendations 16 and 17.

1308

Implementation Guidance:

1310 N/A

1311

Links to Charter Question(s) & Summary of Deliberations:1313 [f2](#), [f3](#)

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Recommendation #30: Timing for Additional Interactions with the TEAC

1317 Section I.A.4.6.2 of the Transfer Policy states in part, “. . . Communications to a TEAC must be
1318 initiated in a timely manner, within a reasonable period of time following the alleged
1319 unauthorized loss of a domain.” The working group recommends that the Transfer Policy must
1320 be updated to state that the initial communication to a TEAC is expected to occur no more than
1321 30 days following the alleged unauthorized loss of a domain. If the initial communication to the
1322 TEAC occurs more that 30 days following the alleged unauthorized loss of a domain, the Losing
1323 Registrar must provide a detailed written explanation to the Gaining Registrar’s TEAC justifying
1324 why this is an emergency situation that must be addressed through the TEAC channel and
1325 providing information about why earlier contact to the TEAC was not possible.

Policy Impact:

1326

1327
1328 **LOW** - Sets a new outer bound for communications to a TEAC. The majority of initial
1329 communications to the TEAC already occur within this outer bound, making this a low impact
1330 change.

1331

Recommendation Rationale:

1332
1333 The text of this recommendation sets clear and consistent expectations regarding a “reasonable
1334 period of time” while allowing flexibility to use the channel outside of this timeframe under
1335 exceptional circumstances that may still constitute an emergency. Under such circumstances,
1336 the Gaining Registrar must provide the Losing Registrar with a written justification. As discussed
1337 in the working group’s response to charter question f4, the 30-day timeframe for initial contact
1338 aligns with the 30-day transfer restriction following initial registration and inter-Registrar
1339 transfer, detailed in recommendations 16 and 17.

1340

Implementation Guidance:

1341 N/A

1342

Links to Charter Question(s) & Summary of Deliberations:1343 [f4](#)

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Recommendation #31: Additional Communications with TEAC

1350 Once a Gaining Registrar has provided an initial non-automated response to a TEAC
1351 communication as described in Section I.A.4.6.3 of the Transfer Policy, the Gaining Registrar
1352 must provide additional, substantive updates by email to the Losing Registrar at least every 72
1353 hours / 3 calendar days until work to resolve the issue is complete. These updates must include
1354 specific actions taken by the Gaining Registrar to work towards resolution.

Policy Impact:

1356

1357 **MEDIUM** - New requirement for response time for registrars, which will require planning and
1358 system changes.

1359

Recommendation Rationale:

1361 The working group agreed that it is important for a Gaining Registrar to demonstrate progress
1362 towards resolving an issue raised through the TEAC channel. The working group further agreed
1363 the policy needs to provide some degree of flexibility with respect to timeframe for resolution,
1364 given that each case is unique. A requirement to provide regular updates introduces
1365 transparency and accountability, without setting strict deadlines that may not be appropriate or
1366 feasible to meet, even when both Registrars are working diligently towards resolution of the
1367 issue. In determining the frequency of updates, the working group agreed that it is appropriate
1368 to require updates every 72 hours / 3 calendar days. Updates at this cadence provide clear
1369 indication to the Losing Registrar as to whether resolution is proceeding while not being
1370 excessively burdensome to the Gaining Registrar who is required to provide the updates.

1371

Implementation Guidance:

1373 N/A

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Links to Charter Question(s) & Summary of Deliberations:1376 [f4](#)

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Recommendation #32: Method of Communication with TEAC

1382 The working group recommends that initial communication to the TEAC described in Section
1383 I.A.4.6.2 of the Transfer Policy must either be in the form of email or, if the primary TEAC
1384 communication channel is designated as a phone number or other method, the verbal/non-
1385 email communication MUST be accompanied by an email communication to the TEAC. This
1386 email “starts the clock” for the 24-hours response timeframe specified in Recommendation 29.
1387 The Gaining Registrar receiving the TEAC communication must respond by email within 24
1388 hours.

Policy Impact:

1390

1391 **MEDIUM** - Policy change to initial communication with TEAC, which may involve planning and
1392 system changes for registrars.

1393

Recommendation Rationale:

1394 As described in the WG’s response to Charter Question f5, requiring the initial TEAC exchange
1395 by email ensures that there is a paper trail associated with each initial TEAC contact without
1396 creating complex new requirements for a system of record that may be seldom used.

1398

Implementation Guidance:

1400 N/A

1401

Links to Charter Question(s) & Summary of Deliberations:1403 [f5](#)

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Recommendation #33: Request to GNSO for further work on Transfer Dispute Resolution Policy and Potential New Dispute Mechanism

1408 The working group recommends the GNSO request an Issues Report or other suitable
1409 mechanism to further research and explore the pros and cons of (i) expanding the TDRP to
1410 registrant filers and (ii) creating a new standalone dispute resolution mechanism for registrants
1411 who wish to challenge improper transfers, including compromised and stolen domain names. In
1412 making this recommendation, the working group recognizes that if such an effort were
1413 ultimately adopted by the GNSO Council, this request could be resource-intensive and will
1414 require the Council to consider the appropriate timing and priority against other policy efforts.

1415

Policy Impact:

1417

1418 **LOW/HIGH** - The changes, or lack of changes, to the TDRP results in a low impact to the policy;
1419 however, the high indication denotes the potential future policy work in completing an Initial
1420 Report on the requested issues.

1421

Recommendation Rationale:

1423 Because the Working Group observed that many issues fall outside the limited scope of the
1424 TDRP, it believes further policy work is needed in terms of potential expansion of the TDRP
1425 and/or creating a new dispute mechanism. By way of example, many registrant concerns and
1426 issues with unauthorized inter-registrar transfers fall outside the limited scope the TDRP is
1427 designed to address. For example, a bad actor may compromise a registrant's account, update
1428 contact details, retrieve the Transfer Authorization Code (TAC), and transfer a domain name to
1429 another registrar without the authorization of the registrant. This type of transfer may
1430 technically comply with the Transfer Policy, provided the required steps are followed, even
1431 though the domain name was compromised prior to the transfer.

1432

1433 Additionally, the Working Group discussed the pitfalls and disadvantages provided by the IRTP
1434 WG Part D with respect to registrant access to the TDRP. The Working Group noted that if a
1435 registrant believes an improper transfer has taken place, and its previous registrar of record is
1436 either unresponsive or unable to resolve the issue informally and/or the previous registrar is
1437 unwilling to file a TDRP complaint, the registrant is left with unfavorable options. The registrant
1438 could choose to file a complaint with ICANN compliance; however, ICANN compliance does not
1439 have the authority to reverse a transfer. The registrant could also choose to go to court;
1440 however, that option can be prohibitively expensive, especially compared to the cost of filing a
1441 TDRP complaint.

1442

Implementation Guidance:

1444 N/A

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Links to Charter Question(s) & Summary of Deliberations:1447 [g3](#)

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Recommendation #34: Fees Associated with Full Portfolio Transfers over 50,000 domain names

1453 **34.1:** The Working Group recommends that a Registry Operator MAY charge a fee to implement
1454 a full domain name portfolio transfer¹⁶ of 50,000 or more domain names from one ICANN-
1455 accredited registrar to another ICANN-accredited registrar(s)¹⁷, provided the conditions
1456 described in sections I.B.1.1 and I.B.1.2 are satisfied.

1457 **34.2:** The Registry MAY waive the fee associated with full portfolio transfers; however, in full
1458 portfolio transfers resulting from an involuntary registrar termination, i.e., where a registrar is
1459 terminated by ICANN due to non-compliance with the Registrar Accreditation Agreement, the
1460 Working Group recommends the Registry MUST waive any fee associated with a full portfolio
1461 transfer.

Policy Impact:

1462

1463 **LOW** -Retention of status quo. (34.1)

1464

1465 **LOW** - Involuntary full portfolio transfers, resulting from registrar or RRA terminations AND
1466 involving greater than 50,000 names are very rare, and, accordingly, this recommendation has a
1467 low impact. (34.2)

1468

Recommendation Rationale:

1469 The Working Group deliberated the required fee in I.B.2 at length, and Registry Representatives
1470 noted that the fee is in recognition of the administration and coordination required to
1471 implement a full portfolio transfer. Accordingly, the working group agreed that in the case of a
1472 voluntary transfer, the Registry may charge a fee, but the Registry may not charge a fee in the
1473 event of an involuntary full portfolio transfer. The working group noted the challenges in
1474 securing a Gaining Registrar for involuntary full portfolio transfers, described by ICANN org and
1475 agreed the fee should be waived in these limited instances.

1476

Implementation Guidance:

1477

¹⁶ Note: this could include all of the domain names a registrar has within a gTLD or all of the gTLD domain names a registrar has under management

¹⁷ In the majority of instances, ICANN org will choose one Gaining Registrar to take over the Losing Registrar's domain name portfolio; this is the preferred scenario to avoid customer confusion. However, there may be a situation where multiple Gaining Registrars will be chosen. For example, if there is no registrar who offers all of the TLDs of the Losing Registrar, ICANN org will need to identify more than one Gaining Registrar to which the domain names will be transferred to.

1480 N/A

1481

1482 **Links to Charter Question(s) & Summary of Deliberations:**

1483 [i1](#)

1484

1485

1486

Recommendation #35: Retainment of Current Full Portfolio Transfer Fee Ceiling and Minimum Domain Name Threshold

1487 The Working Group recommends retaining both (i) the current minimum number of domain
1488 names that trigger the fee at 50,000 names and (ii) the current price ceiling of USD \$50,000. If
1489 the full portfolio transfer involves multiple Registry Operators, the affected Registry Operators
1490 MUST ensure the collective fee does not exceed the recommended ceiling of USD \$50,000, and
1491 the fee MUST be apportioned based on the number of domain names transferred.

1492 **Policy Impact:**

1493

1494 **HIGH** - The recommendation, in combination with Recommendations 36-38 introduces the idea
1495 of a collective fee and various requirements associated with this new calculus. Specifically,
1496 rather than a threshold of 50,000 PER TLD, this involves a threshold of 50,000 across all TLDs,
1497 which significantly increases the amount of full portfolio transfers where fees are involved.
1498 Additionally, these recommendations create new coordination requirements for registrars,
1499 registries, and ICANN org.

1500

1501 **Recommendation Rationale:**

1502 The Working Group has noted retaining a price ceiling promotes transparency and has
1503 recommended keeping the status quo; however, the Working Group believes it is important to
1504 specify the price ceiling encompasses a collective fee. In other words, the \$50,000 fee is the
1505 total amount a registrar would pay for a full portfolio transfer. The Working Group made this
1506 update in recognition of the changes to the industry that have occurred since this policy was
1507 first drafted, i.e., the number of Registry Operators and TLDs has increased significantly, which
1508 could result in unintended high fees.

1509

1510 **Implementation Guidance:**

1511 N/A

1512

1513 **Links to Charter Question(s) & Summary of Deliberations:**

1514 [i1](#)

1515

1516

Recommendation #36: Restriction of Fee Adjustments for Full Portfolio Transfers Involving Multiple Registry Operators

1517 The Working Group recommends that if the full portfolio transfer involves multiple Registry
1518 Operators, and one or more affected Registry Operators chooses to waive its portion of the
1519 collective fee, the remaining Registry Operators MUST NOT adjust their fees to a higher
1520 percentage due to another Registry Operator's waiver.

1521

Policy Impact:

1522

1523 **HIGH** - The recommendation, in combination with Recommendations 35, 37-38, introduces the
1524 idea of a collective fee and various requirements associated with this new calculus. Specifically,
1525 rather than a threshold of 50,000 PER TLD, this involves a threshold of 50,000 across all TLDs,
1526 which significantly increases the amount of full portfolio transfers where fees are involved.
1527 Additionally, these recommendations create new coordination requirements for registrars,
1528 registries, and ICANN org.

1529

Recommendation Rationale:

1530
1531 The Working Group notes the fee apportionment was designed to be equitable, and this
1532 recommendation aims to ensure a voluntary fee waiver does not result in an unintended
1533 consequence or gaming.

1534

Implementation Guidance:

1535
1536 N/A

1537

Links to Charter Question(s) & Summary of Deliberations:

1538
1539 [i1](#)

1540

1541

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Recommendation #37: Registry Operator Notice to ICANN of Full Portfolio Transfer Completion

1546 The Working Group recommends that following the completion of the transfer, the Registry
1547 Operator(s) MUST provide notice to ICANN that the transfer is complete, and the notice to
1548 ICANN MUST include the number of domain names transferred.

1549

1550 Policy Impact:

1551
1552 **HIGH** - The recommendation, in combination with Recommendations 35-36, 38, introduces the
1553 idea of a collective fee and various requirements associated with this new calculus. Specifically,
1554 rather than a threshold of 50,000 PER TLD, this involves a threshold of 50,000 across all TLDs,
1555 which significantly increases the amount of full portfolio transfers where fees are involved.
1556 Additionally, these recommendations create new coordination requirements for registrars,
1557 registries, and ICANN org.

1558 Recommendation Rationale:

1559 As the entity responsible for effecting the transfer, the Registry Operator is responsible for
1560 providing the official number of domain names transferred to ICANN.
1561

1562 Implementation Guidance:

1563 N/A
1564
1565

1566 Links to Charter Question(s) & Summary of Deliberations:

1567 [i1](#)
1568
1569
1570
1571

Recommendation #38: ICANN Notice to Affected Registry Operators of Associated Domain Name Numbers for Full Portfolio Transfers

1572 The Working Group recommends that following receipt of notices from all affected Registry
1573 Operators, ICANN MUST send a notice to affected Registry Operators with the reported
1574 numbers and corresponding percentages of domain names involved in the bulk transfer, e.g.,
1575 26% of names for .ABC and 74% of names for .DEF. The Registry Operators MAY then charge
1576 the Gaining Registrar a fee.
1577

1578 Policy Impact:

1579
1580 **HIGH** - The recommendation, in combination with Recommendations 35-37, introduces the
1581 idea of a collective fee and various requirements associated with this new calculus. Specifically,
1582 rather than a threshold of 50,000 PER TLD, this involves a threshold of 50,000 across all TLDs,
1583 which significantly increases the amount of full portfolio transfers where fees are involved.
1584 Additionally, these recommendations create new coordination requirements for registrars,
1585 registries, and ICANN org.

1586

Recommendation Rationale:

1588 The Working Group noted that ICANN org is the appropriate entity to notify affected Registry
1589 Operators of the numbers transferred after receiving notice from the affected Registries. The
1590 Working Group provided example percentages for clarity of implementation.

1591

Implementation Guidance:

1593 N/A

1594

Links to Charter Question(s) & Summary of Deliberations:1596 [i1](#)

1597

1598

1599

Recommendation #39: Gaining Registrar Responsibility for Payment of Fees Associated with Full Portfolio Transfer

1600 The Working Group recommends that the Gaining Registrar MUST be responsible for paying the
1601 relevant Registry's fee (if any).

1602

Policy Impact:

1604

1605 **LOW** - Maintains but clarifies the status quo.

1606

Recommendation Rationale:

1608 The Working Group recognizes that a voluntary request to transition a domain name portfolio
1609 to another registrar will require internal coordination and work from the relevant Registry
1610 Operator, and accordingly, the Registry Operator may charge a fee for this process. Due to the
1611 voluntary nature of the portfolio transfer request, the Gaining Registrar should be responsible
1612 for paying this fee to the Registry Operator as (i) the Gaining Registrar, through the transfer, is
1613 inheriting new customers, and (ii) the Losing Registrar may be going out of business and,
1614 accordingly, may be unable to pay the fee.

1615

Implementation Guidance:

1617 N/A

1618

Links to Charter Question(s) & Summary of Deliberations:1620 [i1](#)

1621

1622

Recommendation #40: Inclusion of Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) in Transfer Policy

1623 The Working Group recommends updating the Transfer Policy to include the Bulk Transfer After
1624 Partial Portfolio Acquisition (BTAPPA) directly into the Transfer Policy, which would apply to all
1625 Registry Operators.¹⁸

1626

Policy Impact:

1628

1629 **HIGH** - This recommendation involves a significant expansion of the BTAPPA service.

1630

Recommendation Rationale:

1632 The Working Group believed this creates more consistency across all registries.

1633

Implementation Guidance:

1635 N/A

1636

Links to Charter Question(s) & Summary of Deliberations:

1638 [i2](#)

1639

1640

1641

1642

Recommendation #41: Expansion of Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) to Registrar Agents

1643 The working group recommends that the standard Bulk Transfer After Partial Portfolio
1644 Acquisition (BTAPPA) be expanded to include circumstances where an agent of the Registrar,
1645 such as a Reseller or service provider, elects to transfer its portfolio of domain names to a new
1646 gaining registrar, and the registration agreement explicitly permits the transfer.

1647

Policy Impact:

1649

1650 **HIGH** - This recommendation involves a significant expansion of the BTAPPA service.

1651

¹⁸ For the avoidance of doubt, the Working Group is recommending that the BTAPPA would be included as part of the Transfer Policy, and when the updated Transfer Policy becomes effective, Registry Operators will no longer have to file an RSEP to offer the BTAPPA.

Recommendation Rationale:

The Working Group supported an expansion of the BTAPPA to allow for additional partial bulk transfers, such as Resellers or service providers to transfer their names to a different sponsoring registrar. The Working Group recognized there are situations where this may be necessary, such as when Registrar's agent (such a reseller) may need to change its sponsoring registrar due to data privacy concerns within a particular jurisdiction, and there is currently not a way to do this that does not involve a significant manual effort.

Implementation Guidance:

N/A

Links to Charter Question(s) & Summary of Deliberations:

[i2](#)

Recommendation #42: Required Registrar Notification of BTAPPA

In the event of a BTAPPA, Registrars shall either notify or ensure their Resellers (where applicable) notify affected Registrants approximately one month¹⁹ / at least 30 calendar days before the change of sponsorship is expected to occur. This notification²⁰ must provide instructions on (i) how to opt out (if applicable), (ii) how to transfer the name to a registrar other than the Gaining Registrar before the date of the sponsorship change, if desired, (iii) the expected date of the change of sponsorship, (iv) the name of the Gaining Registrar, and (v) a link to the Gaining Registrar's (or their Reseller's) terms of service.

Policy Impact:

MEDIUM - New notice requirement for Registrars.

Recommendation Rationale:

Advance notice will give affected registrants the ability to transfer their name elsewhere if they

¹⁹ The WG recognizes that some flexibility is required in the timing of Change of Sponsorship (BTAPPA) notifications. As such, one month should be treated as no less than 26 and no more than 35 days. A registrar is not precluded from sending additional notifications earlier or later than this required one month notification.

²⁰ A notice MAY encompass multiple TLDs if a Registered Name Holder has registered domain names under more than one TLD and the same parameters apply to the transfers, i.e., the date of transfer, instructions, etc.

1683 so desire or opt out of the transfer if that option is available. In some instances, such as a
1684 registrar consolidation where a registrar will cease to exist upon the transfer, the option to opt
1685 out may not be available. Clarifying when the transfer will take place, to which registrar it will
1686 transfer, and what their terms of service are enables registrants to familiarize themselves with
1687 the new registrar and their terms before the change of sponsorship takes place.

1688

1689 **Implementation Guidance:**

1690 N/A

1691

1692 **Links to Charter Question(s) & Summary of Deliberations:**

1693 [i2](#)

1694

1695

1696

1697

Recommendation #43: Domain Name Expiration Dates During BTAPPA

1698 **The Working Group recommends that** for a change of sponsorship, the expiration dates of
1699 transferred registrations are not affected, and, therefore, there are no ICANN fees. Once the
1700 change of sponsorship is complete, **the Working Group recommends** that there is no grace
1701 period to reverse a transfer.

1702

1703 **Policy Impact:**

1704

1705 **LOW** - Status quo (current boilerplate language in BTAPPA).

1706

1707 **Recommendation Rationale:**

1708 The working group reviewed the language in the BTAPPA boilerplate and noted this is an
1709 important provision to include in the Transfer Policy. Because this is a transfer initiated by the
1710 registrar rather than the registrant, there is no change to the expiration date.

1711

1712 **Implementation Guidance:**

1713 N/A

1714

1715 **Links to Charter Question(s) & Summary of Deliberations:**

1716 [i2](#)

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1720

Recommendation #44: Permitted Rejection of BTAPPA Request

1721 **The Working Group recommends** a Registry Operator MUST reject a change of sponsorship
1722 request if there is reasonable evidence that the change of sponsorship is being requested in
1723 order to avoid fees otherwise due to the Registry Operator or ICANN. A Registry Operator has
1724 discretion to reject a change of sponsorship request if a registrar with common ownership or
1725 management or both has already requested a change of sponsorship within the preceding six-
1726 month period.

1727

Policy Impact:

1728

1729 **LOW** - Status quo (current boilerplate language in BTAPPA).

1730

Recommendation Rationale:

1731 The working group reviewed the language in the BTAPPA boilerplate and noted this is an
1732 important provision to include in the Transfer Policy because it allows discretion for Registry
1733 Operators to reject BTAPPA requests under certain circumstances.

1734

Implementation Guidance:

1735 N/A

1736

Links to Charter Question(s) & Summary of Deliberations:

1737 [i2](#)

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Recommendation #45: Required Registration Agreement Language for BTAPPA

1746 **The Working Group recommends** the Losing Registrar's existing Registration Agreement with
1747 customers MUST permit the transfer of domain names in the event of the scenarios described
1748 in the Transfer Policy with respect to a change of sponsorship. Additionally, the Losing
1749 Registrar's Registration Agreement MUST inform registrants that in the event of a change of
1750 sponsorship, the affected registrants will be deemed to have accepted the new registrar's
1751 terms, unless the registrant transfers their domain name(s) to a different registrar prior to the
1752 change of sponsorship.

1753 Policy Impact:

1754

1755 **LOW** - This may require changes to some registrars' registration agreement to allow for these
1756 transfers.

1757

1758 Recommendation Rationale:

1759 The working group added this language to ensure registrants receive notice via their
1760 registration agreements.

1761

1762 Implementation Guidance:

1763 N/A

1764

1765 Links to Charter Question(s) & Summary of Deliberations:

1766 [i2](#)

1767

1768

1769

1770

Recommendation #46: Notice of Registry Fees for BTAPPA

1771 **The Working Group recommends that a** Registry Operator MAY charge a fee for a change of
1772 sponsorship, but Registry Operators MUST provide notice to Registrars of any fees associated
1773 with a change of sponsorship upon request and prior to the initiation of the transfer. How
1774 Registry Operators choose to provide notice of fees will be up to the Registry to decide, i.e.,
1775 password protected portal, website, written notice, etc.

1776 Policy Impact:

1777

1778 **MEDIUM** - May involve changes for registries, which could include planning and system
1779 changes.

1780

1781 Recommendation Rationale:

1782 The policy language clarifies that registries may charge a fee; however, in order to do so, they
1783 must provide notice to registrars.

1784

1785 Implementation Guidance:

1786 N/A

1787

1788 **Links to Charter Question(s) & Summary of Deliberations:**

1789 [i2](#)

1790

1791

1792

1793

Recommendation #47: Prohibition on Post-BTAPPA Transfer Restriction

1794 **The Working Group recommends that** in the case of a change of sponsorship, the Gaining
1795 Registrar MUST NOT impose a new inter-registrar transfer lock preventing affected registrants
1796 from transferring their domains to another Registrar.

1797 **Policy Impact:**

1798

1799 **MEDIUM** - New requirements may trigger planning and system changes for registrars.

1800

1801 **Recommendation Rationale:**

1802 The Working Group notes that a change of sponsorship is not initiated by registrants and does
1803 not affect their domain name expiration dates; therefore, the transfer lock that would
1804 otherwise follow a typical inter-registrar transfer should not apply in this instance. Transfer
1805 locks that are triggered by other means set out in the Transfer Policy would still apply.

1806

1807 **Implementation Guidance:**

1808 N/A

1809

1810 **Links to Charter Question(s) & Summary of Deliberations:**

1811 [i2](#)

1812

1813

Annex 1 – Original Working Draft Recommendation Order

1814

1815 As noted in the introduction, the working group initially used a recommendation order based
1816 on the order of the charter questions. To reduce size and complexity in the core of the Final
1817 Report, the recommendations were re-ordered to allow for easier readability and
1818 comprehension. The list below acts as a reference to the older numbering system. Only Group
1819 1A recommendation numbers were affected. The remaining recommendations numbers for
1820 Groups 1B & 2 are not listed here.

- 1821 **Rec 1 (6):** Terminology Updates: Whois
1822 **Rec 2 (17):** Terminology Updates: Administrative Contact and Transfer Contact
1823 **Rec 3 (18):** Transfer Restriction After Initial Registration
1824 **Rec 4 (7):** Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”
1825 **Rec 5 (8):** TAC Definition
1826 **Rec 6 (14):** Service Level Agreement (SLA) for TAC Provision
1827 **Rec 7 (9):** TAC Composition
1828 **Rec 8 (10):** Verification of TAC Composition
1829 **Rec 9 (15):** TAC Time to Live (TTL)
1830 **Rec 10 (11):** TAC Generation, Storage, and Provision
1831 **Rec 11 (4):** Notification of TAC Issuance
1832 **Rec 12:** Verification of TAC Validity
1833 **Rec 13** TAC is One-Time Use
1834 **Rec 14 (2):** Maintenance of Records
1835 **Rec 15 (1):** Gaining FOA
1836 **Rec 16 (6):** Registry Transmission of IANA ID to Losing Registrar
1837 **Rec 17 (3):** Losing FOA
1838 **Rec 18 (19):** Transfer Restriction After Inter-Registrar Transfer
1839 **Rec 19 (5):** Notification of Transfer Completion
1840 **Rec 20:** Format of Transfer Policy Section I.A.3.7
1841 **Rec 21:** Revised Reasons that a Registrar of Record MAY Deny a Transfer
1842 **Rec 22:** New Reasons that a Registrar of Record MUST Deny a Transfer
1843 **Rec 23:** Revised Reasons that a Registrar of Record MUST Deny a Transfer
1844 **Rec 24:** Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer
1845 **Rec 25:** Change of Registrant Data
1846 **Rec 26:** Standalone Policy and Updates to Section II of Transfer Policy
1847 **Rec 27:** Change of Registrant Data Notification
1848 **Rec 28:** Opt out of Change of Registrant Notification

1849

1850 Return to [Group 1A Introduction](#)

Annex 2 – Group 1(a) Charter Questions and WG Summary Deliberations

1851
1852
1853 [Link](#) to TPR WG Charter.

1854 Gaining Registrar FOA and Losing Registrar FOA

1855 **Charter Question: Gaining FOA and Losing FOA**

1856 a1) Is the requirement of the Gaining FOA still needed? What evidence did the Working Group
1857 rely upon in making the determination that the Gaining FOA is or is not necessary to protect
1858 registrants?

1859 **Summary of Deliberations:**

1860 The Inter-Registrar Transfer Policy - Part D Policy Development Process Working Group (IRTP
1861 WG D), previously examined the question of “Whether the universal adoption and
1862 implementation of Extensible Provisioning Protocol (EPP) AuthInfo codes has eliminated the
1863 need of FOAs.” The IRTP WG D ultimately determined to retain the FOA until more evidence
1864 was gathered. The Transfer Policy Review Working Group was asked to revisit the same
1865 question and has determined there is now strong evidence that the Gaining FOA can be
1866 eliminated from the Transfer Policy without negatively affecting the security of inter-Registrar
1867 transfers. The working group further believes that requirements for a Gaining FOA or a similar
1868 replacement are unjustified under data protection law and no longer necessary from a practical
1869 perspective to facilitate the transfer. The working group recognizes that this is a significant
1870 departure from existing policy and has therefore provided a detailed rationale for its
1871 conclusion.
1872

1873
1874 Prior to the General Data Protection Regulation (GDPR) coming into force, the Gaining Registrar
1875 was required to confirm the Registered Name Holder’s (RNH) intent to transfer by sending an
1876 email to the RNH asking for confirmation to proceed. In order for the Gaining Registrar to be
1877 able to send the Gaining FOA, it needed to obtain the RNH’s contact information from the
1878 publicly available Registration Data Directory Services (RDDS). With the introduction of the
1879 GDPR, Gaining Registrars were no longer able to obtain this information via RDDS, as personally
1880 identifiable information was largely redacted within RDDS. In recognition of this new obstacle,
1881 ICANN org deferred Contractual Compliance enforcement on Gaining FOA requirements. While
1882 still a requirement on paper, in practice the Gaining FOA does not currently exist and cannot
1883 exist.
1884

1885 The working group considered that it could recommend some form of replacement for the
1886 Gaining FOA to be included in future policy requirements. If it did so, there would need to be a
1887 method and a justification for the Registrar of Record to transfer the RNH's contact information
1888 to the Gaining Registrar.

1889

1890 The working group considered that it is likely possible from a technical perspective to facilitate
1891 the transfer of the RNH's contact information from the Registrar of Record to the Gaining
1892 Registrar for the purposes of confirming the RNH's intent to transfer. However, the working
1893 group did not pursue specific methods for doing so because it did not believe this transfer is
1894 feasible from a legal perspective.

1895

1896 In its deliberations on applicable law, the working group considered the principles of data
1897 minimization and privacy by design. Under these principles, in order to justify the transfer of
1898 personally identifiable information (PII) from the Registrar of Record to the Gaining Registrar
1899 and the subsequent processing of this data (in order to send the Gaining FOA) by the Gaining
1900 Registrar, one would have to demonstrate that this transfer and processing of PII is necessary
1901 to facilitate the transfer. The working group noted that the transfer process has functioned
1902 without the Gaining FOA since the GDPR went into force, and the working group has not
1903 encountered any evidence that there has been an increase in unauthorized transfers since the
1904 Gaining FOA was functionally eliminated. It has not found any other indications that the
1905 transfer process is malfunctioning without the Gaining FOA requirement. Therefore, the
1906 working group sees no evidence that the Gaining FOA is needed for the purpose of facilitating
1907 the transfer or protecting the RNH from unauthorized transfers.

1908

1909 The working group notes that the recommendations in this report should be viewed as a
1910 package. The recommendations include adjustments and enhancements that seek to provide
1911 an appropriate level of security for the inter-Registrar transfer process while also taking into
1912 account the customer experience, applicable law, and operational considerations for Registries
1913 and Registrars.

1914

1915 The working group looked at the value that the Gaining FOA provided to ensure that equivalent
1916 value is covered by newly-added elements of the process going forward, as appropriate.

1917

1918 The working group noted that when the Gaining FOA requirements were in place, the transfer
1919 could only proceed once the RNH had responded to the Gaining FOA. This meant that the RNH
1920 always actively confirmed the intent to transfer before the transfer took place. The Gaining FOA
1921 therefore served a notification function and also a confirmation function. To the extent that the
1922 party obtaining the Transfer Authorization Code (TAC) and requesting the transfer was an

1923 individual other than the RNH, the RNH had the opportunity to confirm that they were aware of
1924 the request and wanted it to proceed.

1925

1926 The working group notes that in the current transfer process, the Losing Registrar must send
1927 the Registered Name Holder a notice of the pending transfer to confirm the Registered Name
1928 Holder's intent to transfer the domain name. This notice is also referred to as the Losing
1929 Registrar FOA or Losing FOA. If after five calendar days, the Registry Operator has not received
1930 any objection to the inter-Registrar transfer, it will process the transfer request. As detailed in
1931 Recommendation 2, the working group anticipates that this element of the transfer process will
1932 remain in place, although the working group recommends using the term "Transfer
1933 Confirmation" in place of Losing FOA. While the Transfer Confirmation does not require
1934 affirmative consent, the working group believes that it does provide an important notification
1935 function and also gives the RNH an opportunity to take action prior to completion of the
1936 transfer if the transfer is unwanted.

1937 In addition, the working group believes that the new notifications detailed in Preliminary
1938 Recommendations 3-4 ensure that the RNH receives the necessary information with respect to
1939 an inter-Registrar transfer. These notifications provide instructions on what to do if the RNH
1940 wants to either stop or reverse the process because the action on the account is unauthorized
1941 or unintended.

1942

1943 The working group noted that while it was in use, the Gaining FOA provided a record to assist
1944 ICANN's Contractual Compliance department in investigating complaints, especially those
1945 related to unauthorized transfers. It also supported the resolution of disputes. The working
1946 group noted that records associated with provision of the TAC, the Transfer Confirmation, and
1947 new notifications detailed in Preliminary Recommendations 3-4, will provide the necessary
1948 paper trail for this purpose. Preliminary Recommendation yy provides specific guidance of
1949 record keeping.

1950

1951 The working group recalled that the Gaining FOA pre-dated the Transfer Authorization Code
1952 (TAC), formerly referred to as the AuthInfo Code, and that prior to the introduction of the TAC,
1953 the Gaining FOA was an essential element for facilitating the transfer and also provided a
1954 function that was important to prevent the unauthorized transfer of domains. With the
1955 introduction of the TAC, an additional layer of security was added to the process, and the
1956 Gaining FOA became less essential. The recommendations in this report further evolve the
1957 security model for the transfer process, including with respect to the TAC. The working group
1958 believes that the security model presented in the package of recommendations offers the
1959 appropriate elements to reduce the risk of unauthorized transfer to the extent possible within
1960 the bounds of the Transfer Policy. Key elements of the model include the following:

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- 1984
- The issuance of the TAC is the means of confirming that the RNH intends to transfer the domain. The first and most important line of defense and the primary point of control is logging into the account at the Registrar. This is the “affirmative consent” to initiate the transfer. The working group understands that certain threat vectors, including hacking of the RNH’s email or unauthorized access to the RNH’s account at the Registrar, are legitimate concerns. At the same time, the working group considers them outside the scope of the Transfer Policy and therefore outside the scope of this working group.
 - Acknowledging the role that the TAC plays as a token to enable the transfer process, the working group has recommended specific enhancements related to TAC security:
 - Minimum requirements for composition to the TAC (Recommendation 7), seek to reduce the risk of an unauthorized party guessing the TAC to initiate an unauthorized transfer.
 - Limiting when, where, and for how long the TAC may be vulnerable to theft once generated. The TAC is only generated at the point that it is needed to initiate an inter-Registrar transfer (Recommendation 9.1). It is stored securely at the Registry (Recommendation 9.2). The TAC has a maximum lifetime of 14 days, preventing the existence of a long-lived TAC, which could be used as part of an unauthorized or unintended inter-registrar transfer (Recommendation 13).
 - Once a domain is transferred, the Registrar must restrict the RNH from transferring a domain name to a new Registrar within 30 days. To the extent that the transfer is unauthorized, this restriction will consistently prevent the transfer of a domain multiple times in rapid succession, a practice associated with domain theft that makes it difficult to recover the domain.

1985 **Recommendations: [#15](#)**

1987

1988

1989

1990

1991 **Charter Question: Gaining FOA and Losing FOA**

1992 a2) If the Working Group determines the Gaining FOA should still be a requirement, are any

1993 updates (apart from the text, which will likely need to be updated due to the gTLD Registration

1994 Data Policy) needed for the process? For example, should additional security requirements be

1995 added to the Gaining FOA (two-factor authentication)?

1996

Summary of Deliberations:

1998

1999 As described in the above response to charter question a1, the working group has determined
2000 that the Gaining FOA should no longer be a requirement.

2001

Recommendations: N/A

2003

2004

Charter Question: Gaining FOA and Losing FOA

2006 a3) The language from the Temporary Specification provides, “[u]ntil such time when the RDAP
2007 service (or other secure methods for transferring data) is required by ICANN to be offered, if
2008 the Gaining Registrar is unable to gain access to then-current Registration Data for a domain
2009 name subject of a transfer, the related requirements in the Transfer Policy will be superseded
2010 by the below provisions...”. What secure methods (if any) currently exist to allow for the secure
2011 transmission of then-current Registration Data for a domain name subject to an inter-registrar
2012 transfer request?

2013

Summary of Deliberations:

2015

2016 As noted in the response to charter question a1, the working group considered that it is likely
2017 possible from a technical perspective to facilitate the transfer of the RNH’s contact information
2018 from the Registrar of Record to the Gaining Registrar for the purposes of confirming the RNH’s
2019 intent to transfer. However, the working group did not pursue specific methods for doing so
2020 because it did not believe this **data** transfer is feasible from a legal perspective.

2021

Recommendations: N/A

2023

2024

2025

Charter Question: Gaining FOA and Losing FOA

2027 a4) If the Working Group determines the Gaining FOA is no longer needed, does the AuthInfo
2028 Code provide sufficient security? The Transfer Policy does not currently require specific security
2029 requirements around the AuthInfo Code. Should there be additional security requirements
2030 added to AuthInfo Codes, e.g., required syntax (length, characters), two-factor authentication,
2031 issuing restrictions, etc.?

2032

Summary of Deliberations:

2034

As described in the response to charter question a1, the working group believes that the package of recommendations presented in this report provides for a transfer process with appropriate levels of security within the bounds of the Transfer Policy, including enhancements to the security of the Transfer Authorization Code. Please see the response to charter question a1 for additional details.

2040

Recommendations: [#7](#), [#8](#), [#10](#), [#11](#)

2042

2043

2044

Charter Question: Gaining FOA and Losing FOA

a5) If the Working Group determines the Gaining FOA is no longer needed, does the transmission of the AuthInfo Code provide for a sufficient “paper trail” for auditing and compliance purposes?

2049

Summary of Deliberations:

2051

The Working Group acknowledges that with the elimination of the Gaining FOA requirement, the AuthInfo code becomes even more important for the transaction and for any Compliance investigation related to it. The Working Group further agrees that it is important to properly document and retain all notifications related to the transfer sent by the Losing Registrar, so that information about such records can be sent to ICANN Compliance when investigating a complaint, as needed. Therefore, the Working Group is providing a specific recommendation on requirements regarding the retention of these records and provision to ICANN upon reasonable notice.

2060

Recommendations: [#14](#)

2062

2063

2064

2065 Additional Security Measures**2066 Charter Question: Additional Security Measures**

2067 a6) Survey respondents noted that mandatory domain name locking is an additional security
2068 enhancement to prevent domain name hijacking and improper domain name transfers. The
2069 Transfer Policy does not currently require mandatory domain name locking; it allows a registrar
2070 to NACK an inter-registrar transfer if the transfer was requested within 60 days of the domain
2071 name's creation date as shown in the registry RDDS record for the domain name or if the
2072 domain name is within 60 days after being transferred. Is mandatory domain name locking an
2073 additional requirement the Working Group believes should be added to the Transfer Policy?
2074

2075 Summary of Deliberations:

2076 The working group understands that this charter question refers to a lock that some Registrars
2077 apply by default to protect their customers from accidental or malicious inter-Registrar
2078 transfers. Registrants may, however, request lock removal, and Registrars must remove the lock
2079 within five days per requirements of the Transfer Policy. Charter question a6 asks whether this
2080 lock, which some Registrars choose to apply today, should become a policy requirement for ALL
2081 Registrars. For the avoidance of doubt, the lock addressed in this charter question is distinct
2082 from potential requirements for a Registrar to restrict the RNH from transferring a domain
2083 name to a new Registrar within 30 days of the initial registration date and within 30 days of the
2084 completion of an inter-Registrar transfer. Unlike Preliminary Recommendations 3 and 18
2085 regarding inter-Registrar transfer restrictions, the lock discussed in this charter question is a
2086 default lock that is generally removable upon the request of the registrant, while the
2087 restrictions discussed in Preliminary Recommendations 3 and 18 are triggered by a specific
2088 event and are not removable upon the request of the registrant.
2089

2090 The working group does not believe that mandatory domain name locking as presented above
2091 should be added to the Transfer Policy. The working group believes that the security model
2092 presented in response to charter question a1 provides for a transfer process with appropriate
2093 levels of security within the bounds of the Transfer Policy. It is the working group's view that
2094 Registrars are in the best position to determine whether locking a domain by default upon
2095 registration is appropriate for their customers in combination with other security features
2096 implemented by the Registrar. The working group expects that Registrars will continue to use
2097 their own discretion to implement any additional measures that may be appropriate for their
2098 business model and customer base.
2099

2100 Recommendations: [#18](#)

2101

2102 **Losing FOA**

2103 **Charter Question: Losing FOA**

2104 a7) Is the Losing FOA still required? If yes, are any updates necessary?

2105

2106 **Summary of Deliberations:**

2107 The working group extensively discussed the function and utility of the Losing FOA, **which the**
2108 **working group recommends re-naming the Transfer Confirmation**, both in initial deliberations
2109 leading up to publication of the Initial Report and in the context of reviewing public comments
2110 on the Initial Report. Ultimately, the working group did not reach agreement to eliminate or
2111 substantially change the Obligations of the Registrar of Record described in Section I.A.3.1 -
2112 I.A.3.6 of the Transfer Policy, and therefore anticipates that these requirements will largely
2113 remain in place with the minor modifications presented in Recommendation 2.

2114

2115 Early working group deliberations revealed that a number of working group members
2116 supported eliminating the **Transfer Confirmation** in light of other working group
2117 recommendations that sought to increase security and improve efficiency of the transfer
2118 process. Those advocating for this approach raised the following points:

2119

- 2120 • The working group is recommending that the Registrar of Record must send a
2121 Notification of TAC **issuance** to the RNH when the TAC is **issued** and a Notification of
2122 Transfer Completion to the RNH following completion of the transfer. These
2123 notifications largely fulfill the notification function that is currently provided by the
2124 **Transfer Confirmation**.
- 2125 • It is not necessary to give the RNH an opportunity to confirm or deny the transfer via the
2126 **Transfer Confirmation**, because the act of logging into the control panel at the Registrar
2127 of Record in order to request the TAC is, in itself, an indication of consent. If the
2128 registrant has a high-value domain, the registrant should select a Registrar of Record
2129 that offers extra features and services to protect the security of the account and domain
2130 transactions. It is outside of the scope of the Transfer Policy to address Registrar
2131 account security.
- 2132 • The registrant always has the opportunity to select a Registrar of Record who conducts
2133 additional due diligence after the TAC is requested and before the Registrar of Record
2134 **issues** the TAC. The working group has recommended that, as is the case in the current
2135 Transfer Policy, the Registrar of Record must have up to 5 days to **issue** the TAC. If
2136 notifications replace the **Transfer Confirmation**, and the RNH selects a Registrar who
2137 takes extra time for due diligence, the RNH will also have additional time to receive and

- 2138 respond to Notification of TAC **Issuance**, allowing them to stop the transfer process if it
2139 is unwanted.
- 2140 • The current **Transfer Confirmation** process can delay the transfer for up to an additional
2141 five calendar days. By eliminating the **Transfer Confirmation**, the working group reduces
2142 the overall maximum time of the transfer process, making it possible to transfer a
2143 domain almost instantaneously, which is beneficial for some registrants.
 - 2144 • The working group is recommending additional security features, which will reduce the
2145 security risks associated with transfers. In particular, the working group has
2146 recommended that the TAC must be generated on demand, reducing the window of
2147 time in which the TAC is vulnerable to theft. In addition, the recommended 30-day post-
2148 transfer lock helps to ensure that if a domain is stolen, domain hopping will be slowed,
2149 allowing the Losing and Gaining Registrars to work together to resolve the problem.
 - 2150 • In the current process, the **Transfer Confirmation** has limited utility in a common attack
2151 scenario. Specifically, if an attacker obtains access to the control panel, the attacker can
2152 change the recipient of the **Transfer Confirmation** to the attacker's own email address,
2153 thereby eliminating the utility of the **Transfer Confirmation**.

2154

2155 In line with the above points, the working group's Phase 1(a) Initial Report included a
2156 recommendation to eliminate the **Transfer Confirmation** and replace it with a Notification of
2157 TAC **Issuance** and a Notification of Transfer Completion. In its review of public comments and
2158 subsequent deliberations, the working group extensively discussed key concerns that were
2159 raised:

- 2160 • Domains are important and valuable assets. It is important for registrants to have a
2161 genuine opportunity to approve or reject a transfer before the transfer takes place. In
2162 some cases under the procedure recommended in the Initial Report, the transfer will
2163 have already taken place by the time the registrant has received the Notice of TAC
2164 **Issuance** and wants to take action to stop the transfer. This process takes agency away
2165 from the registrant. It increases the risk of a domain being stolen without the
2166 knowledge of the registrant, in particular where an unauthorized party has accessed the
2167 TAC to initiate a transfer that the registrant doesn't want.
- 2168 • **Some working group members indicated that the working group could introduce a "fast
2169 undo" process during the discussion of Group 2 topics to more quickly reverse an
2170 unauthorized transfer. The working group was ultimately unable to reach agreement on
2171 a process for a "fast undo" process. Even if such a mechanism is recommended and
2172 ultimately implemented, transfer reversal is less desirable than the ability to reject a
2173 transfer before it occurs. Once the domain is transferred away, there has been a
2174 disruption. The DNS has changed and service may have stopped. It requires a higher
2175 level of effort to remedy the situation and more parties will need to be involved.**

2176

2177 While there was disagreement among working group members about the utility of the **Transfer**
2178 **Confirmation** from a security perspective, it was understood that from a RNH perspective,
2179 elimination of the **Transfer Confirmation** results in a sense among some RNH's that they have
2180 lost an important element of agency in the process. Working group members acknowledged
2181 that in many cases of theft, the email and/or Registrar account is hacked, eliminating the value
2182 of the **Transfer Confirmation**, but this is not true in every case. If the TAC is stolen once it has
2183 been generated, the **Transfer Confirmation** can assist the RNH in stopping an unwanted
2184 transfer.

2185

2186 Some working group members advocated for an alternative means to provide additional agency
2187 to the registrant while reducing the overall maximum timeline of the transfer process.

2188 Specifically, they proposed that the Registrar of Record must be required to send a notification
2189 to the RNH once a TAC is requested. The RNH can respond to the notice by either accepting or
2190 rejecting the release of the TAC. If there is no response by a given period of time (a period of
2191 less than 5 days), the Registrar proceeds to issue the TAC. Those advocating for this approach
2192 noted that the proposal provides notice and opportunity to accept or reject at the moment the
2193 RNH is thinking about the transfer, shortly after they have requested the TAC.

2194

2195 Those opposing the proposal noted the following concerns:

- 2196 • The proposal can stop the initiation of a transfer but does not stop a transfer that is
2197 pending. The TAC is vulnerable to theft once it is generated, and if the TAC is stolen
2198 once created, the RNH does not have a way to NACK the transfer as it does with the
2199 **Transfer Confirmation**.
- 2200 • The proposal creates a need for system updates, process updates, and user education
2201 and may not fully satisfy those who want to keep the **Transfer Confirmation**. Therefore,
2202 the change is not worth the effort.

2203

2204 Ultimately, the working group did not come to an agreement to pursue this proposal further. As
2205 a default, the **Transfer Confirmation** will be maintained.

2206

2207 **Recommendations: [#11](#), [#16](#), [#17](#), [#19](#)**

2208

2209

2210

2211

Charter Question: Losing FOA

2213 a8) Does the CPH Proposed Tech Ops Process represent a logical starting point for the future
2214 working group or policy body to start with? If so, does it provide sufficient security for
2215 registered name holders? If not, what updates should be considered?

2216

Summary of Deliberations:

2217

2218
2219 The CPH Tech Ops Group, “agreed that the requirement to notify the Registrant about a
2220 transfer request should be mandatory. As general business practices of Registrars and
2221 individual transfer scenarios vary, the group concluded that such notification does not have to
2222 be an email, but rather may incorporate other means of more modern communication.”²¹

2223

2224 The working group agreed with Tech Ops that it is important to notify the RNH when a transfer
2225 is expected to take place and has recently taken place. The working group further supported
2226 the idea that given variations in Registrar business models and individual transfer scenarios,
2227 different secure means of communication may be appropriate for the provision of notifications.

2228

Recommendations: [#11](#), [#19](#)

2229

Charter Question: Losing FOA

2232 a9) Are there additional inter-registrar transfer process proposals that should be considered in
2233 lieu of or in addition to the CPH TechOps Proposal? For example, should affirmative consent to
2234 the Losing FOA be considered as a measure of additional protection?

2235

Summary of Deliberations:

2236

2238 The working group appreciates proposals received during the Public Comment period on the
2239 Phase 1(a) Initial Report and considered these proposals in its review of Public Comments.
2240 Please see [Public Comment review working documents](#) on the working group’s wiki for
2241 additional details.

2242

Recommendations: N/A

2243

2244

²¹ Full text of the CPH Tech Ops proposal can be found in Annex B of the [TPR Final Issue Report](#).

2245 **Auth-Info Code Management**

2246 **Charter Question: Auth-Info Code Management**

2247 b1) Is AuthInfo Code still a secure method for inter-registrar transfers? What evidence was used
2248 by the Working Group to make this determination?

2249

2250 **Summary of Deliberations:**

2251

2252 The working group agreed that it should first establish clarity around the function and definition
2253 of the AuthInfo Code and ensure that terminology is clear before addressing specific security
2254 requirements. The working group used the following text on [ICANN.org](https://www.icann.org) as a starting point for
2255 discussion on the definition of the Transfer Authorization Code (TAC): “An Auth-Code (also
2256 called an Authorization Code, Auth-Info Code, or transfer code) is a code created by a Registrar
2257 to help identify the Registered Name Holder of a domain name in a generic top-level domain
2258 (gTLD). An Auth-Code is required for a Registered Name Holder to transfer a domain name from
2259 one Registrar to another.” The working group agreed that the term “identify” is inappropriate
2260 in this context, because the code does not verify identity in practice. Instead, the TAC is used to
2261 verify that the Registered Name Holder (RNH) requesting the transfer is the same RNH who
2262 holds the domain.

2263

2264 The working group considered that a number of different terms currently apply to the same
2265 concept, including AuthInfo Code, Auth-Info Code, Auth-Code, Authorization Code, and transfer
2266 code. None of these terms clearly describe the function of the code. The working group
2267 believes that it is clearer for all parties, and particularly the RNH, if a single term is used
2268 universally. The working group believes that “Transfer Authorization Code” (TAC) provides a
2269 straightforward description of the code’s function, and therefore should serve as the standard
2270 term in place of the alternatives.

2271

2272 Regarding the security of the TAC, the working group agreed that metrics could support
2273 deliberations on charter question b1. In particular, working group members were interested to
2274 see if there has been a change in the number of unauthorized transfers following adoption of
2275 the Temporary Specification for gTLD Registration Data. ICANN’s Contractual Compliance
2276 Department provided the working group with updated metrics regarding complaints received,
2277 which covered the periods both before and after the Temporary Specification went into
2278 effect.²² Contractual Compliance subsequently shared additional metrics that included the

²²Available at:

https://community.icann.org/download/attachments/181307054/Compliance_Transfer%20Data_presented%2029%20June%202021.xlsx?version=1&modificationDate=1638449700087&api=v2

2279 “closure codes” associated with complaints about unauthorized transfers.²³ While the working
2280 group agreed that it is difficult to draw conclusions from the data, the working group noted that
2281 there was no notable increase in complaints following the date that the Temporary
2282 Specification went into effect.

2283
2284 The working group considered that in addition to examining metrics regarding past
2285 performance, it is important to consider future-state objectives for the TAC. The working group
2286 agreed that from this perspective, additional security features are appropriate to protect the
2287 RNH, drawing on elements of RFC 9154. In considering potential security enhancements, the
2288 working group considered the benefits of requiring these measures, while also taking into
2289 account usability considerations and operational impacts on contracted parties in implementing
2290 new requirements.

2291

2292 **Recommendations:** [#4](#), [#5](#), [#13](#)

2293

2294

2295

2296 **Charter Question: Auth-Info Code Management**

2297 b2) The registrar is currently the authoritative holder of the AuthInfo Code. Should this be
2298 maintained, or should the registry be the authoritative AuthInfo Code holder? Why?

2299

2300 **Summary of Deliberations:**

2301

2302 In considering this charter question, the working group focused on evaluating and defining
2303 specific roles and responsibilities of Registries and Registrars in the transfer process, noting that
2304 each party has an important role to play in the transfer process. While some working group
2305 members expressed the view that Registry management of the TAC would be more uniform,
2306 standardized, and transparent, others noted that standards will be set through policy and
2307 enforced by ICANN Contractual Compliance regardless of whether the authoritative holder is
2308 the Registry or Registrar; therefore, it is not clear why it would be better to have the Registry be
2309 the authoritative holder.

2310

²³Available at:

https://community.icann.org/download/attachments/181307054/Compliance_Unauthorized%20Transfer%20Data%20Aug%202020-Sept%202021_presented%209%20November%202021.xlsx?version=1&modificationDate=1638449975000&api=v2

2311 The working group ultimately did not identify a compelling reason to shift ownership of the TAC
2312 to the Registry and therefore determined that the Registrar **must** continue to generate the TAC,
2313 set the TAC in the Registry platform, and **issue** the TAC to the RNH or their designated
2314 representative. The working group further agreed that the Registry should continue to verify
2315 the validity of the TAC **and in addition, going forward, the Registry must verify that the TAC**
2316 **meets the syntax requirements specified in Preliminary Recommendation 7.** The working group
2317 provided preliminary recommendations to improve security practices with respect to the TAC
2318 to be implemented at the Registry. **The working group has also recommended that the Registry**
2319 **enforce the 14-day validity of the TAC.**

2320

2321 **Recommendations: [#7](#), [#8](#), [#12](#)**

2322

2323

2324 **Charter Question: Auth-Info Code Management**

2325 b3) The Transfer Policy currently requires registrars to provide the AuthInfo Code to the
2326 registrant within five business days of a request. Is this an appropriate SLA for the registrar's
2327 provision of the AuthInfo Code, or does it need to be updated?

2328

2329 **Summary of Deliberations:**

2330

2331 The working group agreed that the Transfer Policy should continue to require Registrars to
2332 **issue** the TAC to the RNH or their designated representative within a specified period of time
2333 following a request. While some working group members felt that the standard time frame for
2334 **issuance** of the TAC should be shorter than five calendar days, working group members noted
2335 that exceptions may be necessary to accommodate specific circumstances. The working group
2336 did not identify a compelling reason to change the five-day response timeframe but believes
2337 that it is appropriate to update the policy language to highlight that five calendar days is the
2338 maximum and not the standard period in which the TAC is to be **issued.** **The working group also**
2339 **agreed that it is more clear to express the time frame in hours rather than calendar days.**

2340

2341 **Recommendations: [#6](#)**

2342

2343

2344

Charter Question: Auth-Info Code Management

2345
2346 b4) The Transfer Policy does not currently require a standard Time To Live (TTL) for the
2347 AuthInfo Code. Should there be a standard Time To Live (TTL) for the AuthInfo Code? In other
2348 words, should the AuthInfo Code expire after a certain amount of time (hours, calendar days,
2349 etc.)?
2350

Summary of Deliberations:

2351
2352
2353 The working group clarified its understanding that the Time to Live (TTL) is the period of time
2354 that the TAC is valid once the TAC has been created. The working group noted that there are no
2355 existing policy requirements regarding TTL. The working group believes that it is good security
2356 practice to have a standard TTL for the TAC, because old, unused TACs are vulnerable to
2357 exploitation.
2358

2359 The purpose of the standard Time to Live (TTL) is to enforce security around unused TACs
2360 (e.g., requested/received but not used), in a situation where the TAC may be stored in a
2361 registrant's email or other communications storage. The working group arrived at the
2362 conclusion that the TAC TTL must be no more than 14 calendar days / 336 hours and
2363 notes that a 14-day / 336 hour period is appropriate in order to accommodate transfer-
2364 related business processes associated with different registrar models.
2365

2366 The working group extensively discussed whether the Registry or Registrar should enforce
2367 the 14-day TTL and requested community input on this question through public comment
2368 on the Phase 1A Initial Report. The working group recommends enforcement by the
2369 Registry for the following reasons:

- 2370
- 2371 ● For accuracy: If the sponsoring Registrar is required to expire the TAC by
2372 updating it to null, there is a possibility that at the time when the TAC is set to
2373 expire, either the Registrar or Registry systems have an outage (or there is a
2374 communication interruption). This means that the TAC expiration would be
2375 delayed until the transaction could be completed, opening a window for possible
2376 usage of a TAC that the sponsoring Registrar had deemed expired.
 - 2377 ● For consistency: Having a centralized approach at the Registry allows prospective
2378 Gaining Registrars to know that every TAC will be expired at 14 days / 336 hours
2379 regardless of the sponsoring/provisioning Registrar.
 - 2380 ● For security: Every TAC in a Registry has a maximum lifetime that is enforced
2381 consistently. This prevents the existence of any long-lived TAC, which could be
2382 used as part of an unauthorized or unintended inter-Registrar transfer.
-

2383 With respect to 13.2, the working group acknowledged that there may be a variety of
2384 circumstances in which the Registrar of Record and the Registered Name Holder may
2385 want to mutually agree to reset the TAC to NULL prior to the end of the 14th calendar
2386 day. The working group included this language to ensure that Registrars are permitted to
2387 do so under relevant circumstances.

2388

2389 **Recommendations: #9**

2390

2391

2392 **Bulk Use of Auth-Info Codes**2393 **Charter Question: Bulk Use of Auth-Codes**

2394 b5) Should the ability for registrants to request AuthInfo Codes in bulk be streamlined and
2395 codified? If so, should additional security measures be considered?

2396

2397 **Summary of Deliberations:**

2398

2399 As a general rule, the working group believes that one randomly generated TAC should be
2400 provided per domain name, because this is a good security practice (see Preliminary
2401 Recommendation 4). The Working Group recognizes that for cases where multiple domains are
2402 being transferred, it would be more convenient to have a streamlined approach for requesting
2403 and using TACs. Some working group members suggested a carveout to the standard TAC
2404 requirements that would allow use of the same TAC for multiple domains if specific additional
2405 requirements were met to ensure security of the transaction. The working group did not agree
2406 on specific conditions under which this should be possible. Therefore, the working group is not
2407 making any recommendations with respect to exceptions for multi-domain transfers.

2408

2409 **Recommendations: N/A**

2410

2411

2412

Charter Question: Bulk Use of Auth-Codes

2413
2414 b6) Does the CPH TechOps research provide a logical starting point for future policy work on
2415 AuthInfo Codes, or should other options be considered?

2416
2417 **Summary of Deliberations:**

2418
2419 The working group carefully reviewed the TechOps proposal²⁴ and considered input from those
2420 involved in development of the proposal. The working group appreciated the expertise and
2421 relevant experience of those who developed the proposal and therefore considered it a logical
2422 starting point for discussion. The working group agreed, however, that it is important to
2423 consider (i) the range of views and interests that may not have been represented in the
2424 development of the proposal, and (ii) any new information or interests that have come to light
2425 since the development of the proposal. Therefore, in developing its preliminary
2426 recommendations, the working group deliberated on each of the charter questions, taking into
2427 account both the relevant elements of the TechOps paper as well as all other available
2428 information and inputs, including proposals submitted during the Public Comment period on
2429 the Phase 1(a) Initial Report.

2430
2431 **Recommendations: N/A**

2432
2433
2434 **Charter Question: Bulk Use of Auth-Codes**

2435
2436 b7) Should required differentiated control panel access also be considered, i.e., the registered
2437 name holder is given greater access (including access to the auth code), and additional users,
2438 such as web developers would be given lower grade access in order to prevent domain name
2439 hijacking?

2440
2441 **Summary of Deliberations:**

2442
2443 The working group does not believe that there should be any new policy requirements in this
2444 regard.

2445
2446 **Recommendations: N/A**

²⁴ Available in Annex B of the TPR [Final Issue Report](#).

2448 **Wave 1, Recommendation 27**

2449 **Charter Question: Wave 1, Recommendation 27**

2450 c1) How should the identified issues be addressed?

2451

2452 **Summary of Deliberations:**

2453

2454 The working group reviewed the Transfer Policy-related issues from Section 3.11 of the Wave 1
2455 Report and noted seven (7) of the ten (10) “key issues” were relevant to the current phase
2456 (Phase 1(a)) of its work.²⁵ The working group reviewed and discussed these seven issues and
2457 has provided a response to each issue. The detailed responses can be found in Annex 8 of this
2458 report.

2459

2460 **Recommendations: #1, #2**

2461

2462

2463 **Charter Question: Wave 1, Recommendation 27**

2464 c2) Can the FOA-related Transfer Policy issues (identified in paragraphs 5 and 9 of Wave 1
2465 Report),²⁶ as well as the proposed updates to the Gaining and Losing FOAs, be discussed and
2466 reviewed during the review of FOAs?

2467

2468 **Summary of Deliberations:**

2469

2470 As noted above, the working group reviewed the seven key issues from Section 3.11 of the
2471 Wave 1 Report that are directly related to Group 1(a) of its work, including the issues related to
2472 the Gaining and Losing FOAs. The working group determined these specific issues are in scope

²⁵ Key Issues 4, 6, and 7 related to Change of Registrant, and, accordingly, the working group agreed to discuss these issues during Phase 1(b) of its work.

²⁶ Paragraph 5: Section I.A.5.6 provides that the "AuthInfo" codes must be used solely to identify a Registered Name Holder, whereas the Forms of Authorization (FOAs) still need to be used for authorization or confirmation of a transfer request, as described in Sections I.A.2, I.A.3, and I.A.4 of the policy. Where registrant contact data is not published, and absent an available mechanism for the Gaining Registrar to obtain such contact data, it is not feasible for a Gaining Registrar to send an FOA to the registrant contact data associated with an existing registration, as required by the policy. However, the requirement for the Registrar of Record to send an FOA confirming a transfer request (covered in section I.A.3) is still achievable as the registrar does not need to rely on publicly available data. Paragraph 9: The EPDP Team’s Phase 1 Recommendation 24 recommends that the following requirements apply to the Transfer Policy until superseded by recommendations from the Transfer Policy review being undertaken by the GNSO Council (redacted for brevity).

2473 **for it to address during Group 1(a)** and discussed and reviewed these issues during its plenary
2474 meetings. For the detailed responses on the key issues, please refer to Annex 8 of this report.

2475

2476 The working group noted many key issues alluded to terminology inconsistencies, which are the
2477 direct result of the EPDP Phase 1 recommendations. For example, EPDP Phase 1,
2478 Recommendation #5 provides an updated list of data elements to be collected by Registrars.
2479 Notably, the administrative contact field, which was a required data field under the 2013 RAA,
2480 is no longer a required data element for Registrar collection and subsequent processing.
2481 Because the administrative contact field is referenced many times within the Transfer Policy,
2482 the working group noted those references should be removed.²⁷ Similarly, the working group
2483 observed that the multiple references to “Whois” need to be updated.

2484

2485 **Recommendations: [#1](#), [#2](#)**

2486

2487

2488

2489 **Charter Question: Denying Transfers (Inter-Registrar Transfers)**

2490 h1) Are the current reasons for denying or NACK-ing a transfer sufficiently clear? Should
2491 additional reasons be considered? For instance, ICANN Contractual Compliance has observed
2492 difficulties from registrars tying transfer denials involving domain names suspended for abusive
2493 activities to the denial instances contemplated by the Transfer Policy; or should any reasons be
2494 removed?

2495

2496 **Summary of Deliberations:**

2497

2498 The working group conducted a thorough review of the reasons for denying or NACKing a
2499 transfer and has provided a series of preliminary recommendations detailed below. Please see
2500 the rationale for each proposed change for additional information about why these updates are
2501 being recommended.

2502

2503 While discussing sections I.A.3.7 through I.A.3.9 of the Transfer Policy, the working group spent
2504 a significant amount of time considering I.A.3.7.5 and I.A.3.7.6 and the fact that in some cases, a
2505 domain is locked against inter-Registrar transfer for 60 days following the registration of the
2506 domain name or the transfer of the domain name to a new Registrar. Requirements regarding

²⁷ Additional context from the working group’s discussion can be found in Annex 8 of this report.

2507 post-registration and post-transfer locks appear in some Registry Agreements and are reflected
2508 in corresponding Registry-Registrar Agreements. This practice is neither required nor prohibited
2509 in the Transfer Policy and is applied inconsistently across the industry.

2510
2511 The working group considered that this inconsistent practice may cause confusion among
2512 registrants and may lead to poor registrant experience. The working group supported
2513 establishing a standard set of requirements that apply across the industry. While some
2514 members also supported opportunities for opt-outs or flexibility in the requirements (for
2515 example a minimum lock period with an option to implement a longer lock period), the working
2516 group ultimately agreed that consistency needs to be maintained.

2517
2518 In the course of deliberations, the working group discussed three possible time periods for
2519 post-registration and post-transfer locks: 10 days, 30 days, and 60 days. Working group
2520 members supported maintaining consistency between the period that a transfer is prohibited
2521 following registration and following inter-Registrar transfer. Some working group members
2522 have advocated for establishing a “fast undo” process along the lines of the Expedited Transfer
2523 Reverse Process (ETRP) considered in Inter-Registrar Transfer Policy (IRTP) Part B Policy
2524 Development Process. The IRTP Part B Working Group ultimately did not adopt the ETRP
2525 proposal. “Fast undo” discussions will continue in Phase 2 of the Transfer Policy Review PDP,
2526 and the working group has not yet considered this topic in depth. At this stage, some working
2527 group members noted that if a “fast undo” process is ultimately adopted, the period for which
2528 a domain is eligible for “fast undo” following an inter-Registrar transfer should likely
2529 correspond to the lock periods, and should be sufficiently long to identify the need to invoke
2530 the “fast undo” process. The Working Group discussed the process of a “fast undo” or transfer
2531 reversal process but was ultimately unable to come to an agreement. Many working group
2532 members observed that registrars generally work together informally to undo an improper
2533 transfer, where appropriate, and introducing strict policy requirements around this may limit
2534 this ability.

2535
2536 **Recommendations: [#18](#), [#20](#), [#21](#), [#22](#), [#23](#), [#24](#)**

2537

2538

2539 **Charter Question: Denying Transfers (Inter-Registrar Transfers)**

2540 h2) Should additional guidance around cases subject to a UDRP decision be provided to ensure
2541 consistent treatment by all registrars? If so, is this something that should be considered by the
2542 RPMs PDP Working Group’s review of the UDRP, or should it be conducted within a Transfer
2543 Policy PDP?

2544

2545 **Summary of Deliberations:**

2546

2547 The working group reviewed the World Intellectual Property Organization’s (WIPO) [detailed](#)
2548 [comment](#) in response to the [Transfer Policy Status Report](#) and has noted two concerns
2549 involving a UDRP proceeding vis-à-vis the Transfer Policy. Specifically, WIPO has noted issues
2550 related to: (i) the locking of a domain name subject to a UDRP proceeding (in order to prevent
2551 an inter-Registrar transfer during the pendency of the proceeding),²⁸ and (ii) the
2552 implementation of a UDRP Panel’s order to transfer a domain name to a complainant.²⁹

2553

2554 Domain Name Locking

2555

2556 UDRP Rule 4(b) provides, in part, “Within two (2) business days of receiving the Provider’s
2557 verification request, the Registrar shall [. . .] confirm that a Lock³⁰ of the domain name has
2558 been applied. [. . .] The Lock shall remain in place through the remaining Pendency of the
2559 UDRP proceeding. [. . .].” Additionally, Paragraph I.A.3.8.1 of the Transfer Policy requires
2560 registrars to deny any requests for inter-registrar transfers during “a pending UDRP proceeding
2561 that the Registrar has been informed of.”

2562

2563 Within its preliminary recommendations, the working group has proposed to update the
2564 current Transfer Policy language to:

2565

2566 “The Registrar of Record MUST deny a transfer request in the following circumstances:

- 2567 • Pending UDRP proceeding that the Registrar has been notified of by the Provider in
2568 accordance with the UDRP Rules.”

2569

2570 The working group is proposing a slight refinement to the current text in an effort to clarify that
2571 Registrars must deny inter-Registrar transfer requests that are received after a Registrar has
2572 been notified by a UDRP Provider of a UDRP Proceeding in accordance with the UDRP Rules.

2573

2574 In response to WIPO’s related concern that “the ambiguity associated with ‘locking’ a domain
2575 name has resulted in many improper domain name transfers,” the working group notes that

²⁸ For specific policy requirements, please see [UDRP Rule 1](#) (definitions of Lock and Pendency, respectively), [UDRP Rule 4\(b\)](#), and Paragraph I.A.3.8.1 of the [Transfer Policy](#).

²⁹ For specific policy requirements, please see [UDRP Section 4\(i\)](#), [4\(k\)](#), [UDRP Rule 16\(a\)](#).

³⁰ [UDRP Rule 1](#) defines Lock as “a set of measures that a Registrar applies to a domain name, which prevents at a minimum any modification to the registrant and Registrar information by the Respondent, but does not affect the resolution of the domain name or the renewal of the domain name.”

2576 the definition of Locking is part of the UDRP Rules, and, accordingly, appears out of scope for
2577 this working group to address. The working group does note, though, that the proposed
2578 updates to the Transfer Policy endeavor to make clear that Registrars are forbidden from
2579 implementing inter-Registrar transfer requests received following a notification from a UDRP
2580 Provider of a pending UDRP proceeding.

2581
2582 In the event a Registrar mistakenly or purposefully effects an inter-Registrar transfer during the
2583 pendency of a UDRP proceeding, this would be a clear violation of the Transfer Policy and
2584 should be referred to ICANN org Contractual Compliance for review. The working group will flag
2585 the definitional issue of “locking” with the Rights Protection Mechanisms (RPMs) Phase 2
2586 Working Group, who will be closely reviewing the UDRP, and will be in a better position to
2587 determine if updates are needed.

2588
2589 Implementation of UDRP Panel Decisions

2590
2591 The working group also discussed WIPO’s noted concern regarding the reported refusal of some
2592 Registrars to effect a UDRP Panel’s decision to transfer a disputed domain name(s) to the
2593 Complainant.

2594
2595 Paragraph 4(i) of the UDRP provides that a UDRP Complainant may request the following
2596 remedies in its UDRP Complaint, “the cancellation of [a disputed] domain name or the *transfer*
2597 of [a disputed] domain name registration to the complainant.” (emphasis added). Paragraph
2598 4(k) goes on to provide, in part, “if an Administrative Panel decides that [the disputed] domain
2599 name registration should be canceled or transferred, [the Registrar of Record] will wait ten (10)
2600 business days [. . .] before *implementing* that decision [to cancel or transfer the disputed
2601 domain name].” (emphasis added)

2602
2603 Registrar representatives within the working group noted various methods their companies use
2604 to implement UDRP decisions, including, for example, providing the AuthInfo Code to the
2605 Complainant to effect the inter-Registrar transfer, setting up an account for the Complainant
2606 and transferring the name to the new account, et. al. The working group discussed that so long
2607 as the Registrar of Record effects the Panel’s decision by allowing transfer of the domain name,
2608 the Registrar would be in compliance with the UDRP, and the working group was reluctant to
2609 recommend specific implementation restrictions.

2610
2611 The working group noted that a Registrar refusal to implement a UDRP Panel’s decision to
2612 cancel or transfer the disputed domain name to the Complainant, absent official

2613 documentation of a court proceeding,³¹ would be a violation of the UDRP, and, accordingly,
2614 should be referred to ICANN org Contractual Compliance for review. The working group noted
2615 that it will refer this reported issue of UDRP decision implementation to the RPMs Phase 2
2616 Working Group, as the working group believed the specific implementation around UDRP
2617 decisions to be out of scope for the Transfer Policy.

2618

2619 **Recommendations: [#23](#)**

2620

³¹ See UDRP, Paragraph 4(k).

Annex 3 – Group 1(b) Charter Questions and WG Summary Deliberations

Annex 3 - Group 1(b) Charter Questions and WG Summary Deliberations

Change of Registrant

For context on this topic and the associated charter questions, please see pages 20-32 of the [Final Issue Report](#).

[Link](#) to TPR WG Charter.

Charter Question: Change of Registrant

d1) According to the Transfer Policy Review Scoping Team Report, the Change of Registrant policy “does not achieve the stated goals” and “is not relevant in the current & future domain ownership system.” To what extent is this the case and why? Are the stated goals still valid? If the Change of Registrant policy is not meeting the stated goals and those goals are still valid, how should the goals be achieved?

Summary of Deliberations:

The working group discussed the following original goals associated with Change of Registrant:

- Standardization across registrars, creating a better/easier experience for registrants.
- Security improvements through ensuring the changes are authorized.
- Manage instances of domain theft/hijacking (especially with respect to the 60-day post Change of Registrant lock or inter-registrar transfer restriction).
- Consistent with Transfer Policy B.1. "In general, registrants must be permitted to update their registration/Whois data and transfer their registration rights to other registrants freely."

In considering the question of whether the goals are still valid, the working group noted that a number of circumstances have changed since the IRTP-C working group completed its work:

- The registrar landscape had changed. From one perspective, security measures are more robust, especially as registrars work to meet obligations under GDPR.
- When Change of Registrant was drafted, email addresses were available in the public RDDS, which was a significant attack vector for domain name hijacking. This is no longer an issue.

- 2654
- From one perspective, protection of registrant data against unwanted changes is even
- 2655 more important with GDPR, because the registrant cannot monitor the RDDS for such
- 2656 changes, and therefore needs to be informed by other means.
- 2657

2658 Working group members noted that while the Policy Status Report provides a number of

2659 metrics, the data does not definitively provide an answer to whether the goals are being met,

2660 and specifically whether the policy requirements have an impact on security issues related to

2661 unauthorized activity. Survey results associated with the PSR and anecdotal information

2662 provide some evidence that adjustments to Change of Registrant are appropriate from a

2663 usability perspective, as the current requirements are perceived as confusing and cumbersome.

2664 The working group considered that it might be beneficial to recommend additional data

2665 collection and tracking in the future so that there are better metrics to leverage in future policy

2666 development related to the Transfer Policy.

2667

2668 Ultimately, working group members supported having Change of Registrant policy

2669 requirements in some form, but noted that changes were needed to those requirements. The

2670 recommended changes are noted in response to the additional charter questions below.

2671

2672 **Recommendations: N/A**

2673

2674

2675

2676 **Charter Question: Change of Registrant**

2677 d2) Data gathered in the Transfer Policy Status Report indicates that some registrants find

2678 Change of Registrant requirements burdensome and confusing. If the policy is retained, are

2679 there methods to make the Change of Registrant policy simpler while still maintaining

2680 safeguards against unwanted transfers?

2681

2682 d3) The Transfer Policy Review Scoping Team Report suggests that there should be further

2683 consideration of establishing a standalone policy for Change of Registrant. According to the

2684 Scoping Team, the policy should take into account the use case where a Change of Registrar

2685 occurs simultaneously with a Change of Registrant. To what extent should this issue be

2686 considered further? What are the potential benefits, if any, to making this change? To what

2687 extent does the policy need to provide specific guidance on cases where both the registrar and

2688 registrant are changed? Are there particular scenarios that need to be reviewed to determine

2689 the applicability of COR?

2690

Summary of Deliberations:

2692

2693 In initial discussions, some working group members expressed support for having two distinct
2694 policies, which those members noted may be a “tidier” approach.

2695 The working group noted the two processes are distinct with two different purposes, histories,
2696 and sets of needs. They may, but often do not, happen at the same time. They should not be
2697 conflated. From this perspective, the working group noted it would be cleaner to keep the
2698 discussions separate.

2699

2700 The working group reviewed Section II of the Transfer Policy in its entirety to see if it was in
2701 need of changes, simplifications, or additional explanatory language. In addition to
2702 recommending a standalone policy, the working group recommended additional changes
2703 described in recommendations #25 and #26.

2704

Recommendations: [#25](#), [#26](#)

2706

2707

2708

Charter Question: Change of Registrant

2709 d4) Survey responses and data provided by ICANN’s Global Support Center indicate that
2710 registrants do not understand the 60-day lock and express frustration when it prevents them
2711 from completing an inter-registrar transfer. Does the 60-day lock meet the objective of
2712 reducing the incidence of domain hijacking? What data is available to help answer this
2713 question? Is the 60-day lock the most appropriate and efficient mechanism for reducing the
2714 incidence of hijacking? If not, what alternative mechanisms might be used to meet the same
2715 goals? Are there technical solutions, such as those using the control panel or two-factor
2716 authentication, or other alternatives that should be explored?

2718

Summary of Deliberations:

2720 The working group reviewed the complaint metrics from ICANN Global Support and Contractual
2721 Compliance and, after discussing the metrics at length, has determined that the 60-day lock
2722 following a Change of Registrant appears to be a greater source of registrant frustration than
2723 proven registrant security. Furthermore, available data suggests that valid reports of domain
2724 hijacking are not as numerous as may be expected. For example, according to complaint
2725 metrics shared by ICANN Contractual Compliance, from September 2020 to October 2023
2726 ICANN Compliance received:

- 2727 ● 205 complaints regarding Unauthorized Changes of Registrant
- 2728 ○ 169 were closed as invalid (without addressing with the Contracted Party)
- 2729 ○ 42 were sent to the Contracted Party
- 2730 ● 780 complaints regarding Unauthorized Inter-Registrar Transfers
- 2731 ○ 679 were closed as invalid (without addressing with the Contracted Party)
- 2732 ○ 88 were sent to the Contracted Party

2733

2734 The working group considered the number of complaints received by ICANN Compliance and
2735 sent to Contracted Parties to be relatively low, particularly when considering the vast number
2736 of domain names, changes of registrant, and inter-registrar transfers that occur worldwide.
2737 While most complaints of domain hijacking may be addressed internally with Registrars and are
2738 not escalated to ICANN Compliance, such issue tracking and reporting across Registrars may not
2739 be consistent or readily available and was not provided to the Working Group when requested.

2740

2741 Based on available data, it is not clear that the 60-day lock demonstrably reduces instances of
2742 domain hijacking. However, the working group noted that from the perspective of registrars, it
2743 is often difficult, if not impossible, to determine whether a registrant's email address or account
2744 login credentials have been compromised until after a complaint is received. While the 60-day
2745 lock temporarily prevents the registrant (and possible hijacker) from transferring the domain to
2746 another Registrar (also assuming the transfer lock was not opted-out of by the hijacker prior to
2747 the change of registrant), the lock does not prevent any initial hijacking of the registrant's
2748 credentials or account.

2749

2750 The working group discussed various ways that Registrars could address domain hijacking
2751 proactively rather than reactively, such as through additional requirements around accounts,
2752 control panels, and multifactor authentication. However, the working group noted that given
2753 the variety of Registrars and their business models, there is no one-size-fits-all security
2754 apparatus, and that flexibility should be given to Registrars to secure registrant data and
2755 accounts in ways that work best for them and their customers. That being said, the working
2756 group has proposed several preliminary recommendations within this Initial Report which
2757 would increase the security of inter-registrar transfers and help registrants catch and combat
2758 domain hijacking (such as required notifications to the RNH, instructions for how an RNH may
2759 reverse an invalid transfer, additional TAC requirements, implementation of a 30-day post-
2760 transfer restriction, etc.).

2761

2762 **Recommendations: N/A**

2763

2764

Charter Question: Change of Registrant

2765 d5) Survey responses and data provided by ICANN’s Global Support Center and Contractual
2766 Compliance Department indicate that registrants have expressed significant frustration with
2767 their inability to remove the 60-day lock. If the 60-day lock is retained, to what extent should
2768 there be a process or options to remove the 60-day lock?
2769

2770

Summary of Deliberations:

2771
2772 Rather than retaining the 60-day inter-registrar transfer lock following a Change of Registrant,
2773 the working group recommends eliminating it from the future Change of Registrant Data Policy
2774 (See Preliminary Recommendation 26.4). The working group has noted several reasons why this
2775 60-day post Change of Registrant inter-registrar transfer restriction/lock should be eliminated.
2776

2776

2777 1. The working group discussed at length about the confusion and frustration from registrants
2778 around this restriction. Input from the Transfer Policy survey, which was administered as part of
2779 the Transfer Policy Status Report, also noted the inconsistency with which this lock is applied.
2780 Specifically, the language provides that registrars MAY offer an opt-out, but not all registrars
2781 choose to offer this, which ultimately leads to confusion among Registered Name Holders.
2782 Additionally, the working group noted that the common occurrence of a Registrar acting as the
2783 Designated Agent and opting out of the lock on behalf of the RNH, which is permitted in the
2784 COR policy, has rendered the security value of the 60-day lock meaningless or of negligible
2785 value.
2786

2786

2787 2. In recognition of the diminished security value of the 60-day post-COR lock, the working
2788 group instead recommends requiring a 30-day post inter-registrar transfer restriction, which is
2789 detailed in Preliminary Recommendation 19. Barring an exception as described in
2790 Recommendation 19, domain names will remain at a registrar for 30 days following an inter-
2791 registrar transfer, allowing for any fraudulent changes to be unwound during this restriction
2792 period.
2793

2793

2794 3. The working group notes that the “clientTransferProhibited” status can be applied to a
2795 domain name at any time to prevent unwanted transfer. The 60-day COR lock is an unnecessary
2796 trigger, as such a lock is already available without additional requirements.
2797

2797

2798 4. The working group further notes that it has recommended a series of measures to increase
2799 the security of the Transfer Authorization Code (TAC) and reduce the risk that the TAC is
2800 obtained by an unauthorized party, as detailed in Preliminary Recommendations 2-15. With the

2801 added security measures, the TAC becomes a stronger means to demonstrate that the TAC
2802 holder is an appropriate party to request the transfer, which makes the post-COR transfer
2803 restriction less important.

2804

2805 5. The working group notes that when a Material Change to specified registration data
2806 elements occurs, the Registrar MUST send notifications to the Registered Name Holder further
2807 to Recommendation 27.

2808

2809 **Recommendations: [#27](#)**

2810

2811

2812

2813 **Charter Question: Change of Registrant**

2814 d6) Due to requirements under privacy law, certain previously public fields, such as registrant
2815 name and email may be redacted by the registrar. Is there data to support the idea that the lack
2816 of public access to this information has reduced the risk of hijacking and has therefore obviated
2817 the need for the 60-day lock when underlying registrant information is changed?

2818

2819 **Summary of Deliberations:**

2820 The working group believes that the widespread removal of public access to registrant data has
2821 indeed reduced the risk of hijacking. Working group members anecdotally observed that since
2822 2018 and the redaction of registrant data from public lookup tools, there has been a noticeable
2823 drop in reports of domain data theft. This increased security of registrant data was a factor the
2824 working group considered when developing its recommendation to eliminate the 60-day lock
2825 from the future Change of Registrant Data Policy (See Preliminary Recommendation 26.4).

2826

2827 **Recommendations: [#26.4](#)**

2828

2829

2830

2831 **Charter Question: Change of Registrant**

2832 d7) In its survey response, the Registrar Stakeholder Group indicated that the 60-day lock
2833 hinders corporate acquisitions, consolidations, and divestitures of large lists of domains to new
2834 legal entities. To what extent should this concern be taken into consideration in reviewing the
2835 60-day lock?

2836

Summary of Deliberations:

2838 The working group considered the 60-day lock’s hindrance on legitimate domain transfers,
2839 including transfers resulting from corporate acquisitions, consolidations, and divestitures of
2840 large domain portfolios. In such circumstances, it is not uncommon that a Registrar transfer
2841 request follows a recent change of registrant, triggering the 60-day transfer lock much to the
2842 registrant’s frustration. Having considered the concerns of registrants and the situations where
2843 it is necessary to readily transfer Registrars following a change of registrant, the working group
2844 recommends eliminating the 60-day lock from the future Change of Registrant Data Policy (See
2845 Preliminary Recommendation 26.4).

2846

Recommendations: [#26.4](#)

2847

2848

2849

Charter Question: Change of Registrant

2850
2851 d8) If the policy is retained, are there areas of the existing policy that require clarification? For
2852 example, based on complaints received by ICANN Contractual Compliance, the following areas
2853 of the policy may be appropriate to review and clarify:

- 2854 ● There have been different interpretations of footnote 4 in the Transfer Policy, which
2855 states: “The Registrar may, but is not required to, impose restrictions on the removal of
2856 the lock described in Section II.C.2. For example, the Registrar will only remove the lock
2857 after five business days have passed, the lock removal must be authorized via the Prior
2858 Registrant’s affirmative response to email, etc.” Is the language in footnote 4 sufficiently
2859 clear as to whether registrars are permitted to remove the 60-day lock once imposed
2860 under the existing policy? If not, what revisions are needed?
- 2861 ● Should additional clarification be provided in Section II.C.1.3, which addresses how the
2862 information about the lock must be provided in a clear and conspicuous manner? Does
2863 the policy contemplate enough warning for registrants concerning the 60-day lock
2864 where they are requesting a COR?
- 2865 ● Should clarification be provided in Section II.C.2 that the option to opt-out is provided
2866 only to the Prior Registrant? For example, would the following revision be appropriate:
2867 “The Registrar must impose a 60-day inter-registrar transfer lock following a Change of
2868 Registrant, provided, however, that the Registrar may allow the Prior Registrant to opt
2869 out of the 60-day inter-registrar transfer lock prior to any Change of Registrant
2870 request.”?
- 2871

2872

Summary of Deliberations:

2874 The working group recommends eliminating from the future Change of Registrant Data Policy
2875 the requirement that the Registrar impose a 60-day inter-registrar transfer lock following a
2876 Change of Registrant. Additionally, the working group recommends eliminating the option to
2877 opt-out of the 60-day lock, as there would no longer be a 60-day lock to opt-out of (See
2878 Preliminary Recommendation 26.4). This elimination obviates the need to further clarify the 60-
2879 day lock and opt-out policy text.

2880

2881 However, the working group has identified other areas of the existing change of registrant
2882 policy (namely concerning notifications of a change of registrant) that it believes should be
2883 clarified and expanded on within the new standalone Change of Registrant Data Policy. The
2884 working group's recommendations are provided below.

2885

Recommendations: [#26.4](#), [#27](#), [#28](#)

2887

2888

2889

Charter Question: Change of Registrant

2890 d9) A Change of Registrant is defined as "a Material Change to any of the following: Prior
2891 Registrant name, Prior Registrant organization, Prior Registrant email address Administrative
2892 Contact email address, if there is no Prior Registrant email address." Registrars have taken the
2893 position that the addition or removal to a privacy/proxy service is not a Change of Registrant;
2894 however, there is not currently an explicit carve-out for changes resulting from the addition or
2895 removal of privacy/proxy services vs. other changes. To what extent should the Change of
2896 Registrant policy, and the 60-day lock, apply to underlying registrant data when the registrant
2897 uses a privacy/proxy service?
2898

- 2899 ● Registrars have identified a series of specific scenarios to consider in clarifying the
2900 application of COR policy requirements where the customer uses a privacy/proxy
2901 service. Are there additional scenarios that need to be considered that are not included
2902 in this list?

2903

Summary of Deliberations:

2904 The working group reviewed the current definition of Change of Registrant at length.
2905 Ultimately, the working group generally agreed that the correct data fields were implicated, e.g,
2906 Registrant Name, Registrant Organization, and Registrant Email. The working group, however,
2907

2908 noted that changes to these fields do not often equate to an actual Change of Registrant.
2909 Instead, the changes may only be to the same registrant's data, i.e., a change to email, name
2910 change due to marriage, etc. Accordingly, the working group has recommended referring to
2911 these changes as Change of Registrant Data instead of Change of Registrant (See Preliminary
2912 Recommendation 25).

2913
2914 The working group also discussed whether the addition or removal of privacy/proxy services
2915 constitutes a change of registrant data. It determined that a Change of Registrant Data is
2916 intended to reference the underlying registrant data on file with the Registrar and not
2917 necessarily what is always displayed in public RDDS lookups.

2918
2919 For example, if a registrant uses their Registrar's privacy service to ensure their personal
2920 information in RDDS is not displayed publicly, and the registrant updates their email address on
2921 file with the Registrar, this would constitute a change of registrant data even though the RDDS
2922 record remains unchanged. Similarly, if a registrant decides to remove their Registrar's privacy
2923 service, but their underlying registrant data on file with the Registrar remains unchanged, this
2924 would not constitute a change of registrant even though the RDDS record may change to reflect
2925 the registrant's unmasked data.

2926
2927 The working group also acknowledged that some registrants choose to use privacy/proxy
2928 services outside of the sponsoring Registrar or their Affiliates (e.g., a registrant employing a
2929 trusted friend or business to manage the domain name on their behalf). In such circumstances,
2930 Registrars would not necessarily know that the registrant data provided to them belongs to a
2931 third-party P/P provider and not the true registrant. Ultimately, the working group decided that
2932 a change of registrant data refers to a material change of the registrant's name, organization, or
2933 email address on file with the Registrar, and not the addition or removal of known P/P services
2934 from the Registrar or its Affiliate. (See Preliminary Recommendation 25.3).

2935
2936 **Recommendations: [#25](#)**

2937

2938

2939

2940 **Charter Question: Change of Registrant**

2941 d10) Should the policy be the same regardless of whether the registrant uses a privacy service
2942 or a proxy service? If not, how should these be treated differently?

2943

2944 **Summary of Deliberations:**

2945 In its discussions, the working group ultimately determined that privacy or proxy service data
2946 was not the focus of the Change of Registrant Data Policy, and updates related to P/P data are
2947 not considered a Change of Registrant Data.

2948

2949 **Recommendations: #25**

2950

2951

2952 **Charter Question: Change of Registrant**

2953 d11) Are notifications provided to privacy/proxy customers regarding COR and changes to the
2954 privacy/proxy service information sufficient? For example, should there be additional
2955 notifications or warnings given to a privacy/proxy customer if the privacy/proxy service
2956 regularly changes the privacy/proxy anonymized email address?

2957

2958 **Summary of Deliberations:**

2959 In its discussions, the working group ultimately determined that privacy or proxy service data
2960 was not the focus of the Change of Registrant Data Policy, and updates related to P/P data are
2961 not considered a Change of Registrant Data.

2962

2963 **Recommendations: N/A**

2964

2965

2966 **Charter Question: Change of Registrant**

2967 d12) In its survey response, the Registrar Stakeholder Group indicated that, "There is. . .
2968 overuse of the Designated Agent, which has basically circumvented the policy." To what extent
2969 is this the case? What is the impact?

2970

2971 **Summary of Deliberations:**

2972 In its discussions, the working group noted that there does appear to be overuse of the
2973 Designated Agent. While the Designated Agent function was critical to the early survival of
2974 wholesale Registrars, which interact regularly with resellers acting on behalf of registrants,

2975 today it is often used by resellers and Registrars to approve change of registrant requests for
2976 registrants who, at times unknowingly, delegate certain managerial responsibilities of their
2977 domain name data.

2978

2979 **Recommendations: #26**

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2981

2982

2983 **Charter Question: Change of Registrant**

2984 d13) If the Designated Agent function is not operating as intended, should it be retained and
2985 modified? Eliminated?

2986

2987 **Summary of Deliberations:**

2988 The working group believes that the Designated Agent role is not operating as intended and is
2989 also no longer fit for purpose, as the working group recommends eliminating from the future
2990 Change of Registrant Data Policy the requirement that the Registrar request and obtain
2991 confirmation from both the Prior Registrant and the New Registrant (see Preliminary
2992 Recommendation 26.3).

2993

2994 Accordingly, without the need for a registrant to confirm a change of registrant data request
2995 (instead the RNH would be notified of any change they requested), the working group believes
2996 the Designated Agent role should be eliminated from the new standalone Change of Registrant
2997 Data Policy (See Preliminary Recommendation 26.1). The working group also notes that while
2998 the Designated Agent function is no longer defined within the Change of Registrant Data Policy,
2999 this should not preclude or prevent Registrars from using third parties elsewhere if permitted
3000 by applicable policy.

3001

3002 **Recommendations: #26**

3003

3004

3005 **Charter Question: Change of Registrant**

3006 d14) Are there alternative means to meet the objectives of the Designated Agent role?

3007

3008 **Summary of Deliberations:**

3009 The working group considered some alternative means to the Designated Agent, such as
3010 granting registrants the ability to waive some of their management rights directly to their

3011 Registrar. However, with the working group’s removal of the confirmation requirement in lieu
3012 of additional notification requirements, the role of the Designated Agent remains unfit for
3013 purpose within the new Change of Registrant Data Policy (See Preliminary Recommendation
3014 26.1).

3015

3016 **Recommendations: [#26](#)**

3017

3018 **Charter Question: Change of Registrant**

3019 d15) Based on complaints received by ICANN’s Contractual Compliance Department, there
3020 appear to be different interpretations of the role and authority of the Designated Agent. If the
3021 Designated Agent function remains, should this flexibility be retained? Does the flexibility
3022 create the potential for abuse?

3023

3024 **Summary of Deliberations:**

3025 The working group recommends that the role and definition of Designated Agent is no longer fit
3026 for purpose, and therefore all references to Designated Agent must be eliminated from the
3027 future standalone Change of Registrant Data Policy (See Preliminary Recommendation 26.1).

3028

3029 **Recommendations: [#26](#)**

3030

3031 **Charter Question: Change of Registrant**

3032 d16) If the role of the Designated Agent is to be clarified further, should it be narrowed with
3033 more specific instructions on when it is appropriate and how it is to be used?

- 3034 ● Should the Designated Agent be given blanket authority to approve any and all CORs?
3035 Or should the authority be limited to specific COR requests? Does the authority to
3036 approve a COR also include the authority to request/initiate a COR without the
3037 Registered Name Holder requesting the COR?

3038

3039 **Summary of Deliberations:**

3040 The working group recommends that the role and definition of Designated Agent is no longer fit
3041 for purpose, and therefore all references to Designated Agent must be eliminated from the
3042 future standalone Change of Registrant Data Policy (See Preliminary Recommendation 26.1).

3043

3044 **Recommendations: [#26](#)**

3045

3046

3047

Charter Question: Change of Registrant

d17) The Registrar Stakeholder Group recommended the following in its survey response: “For a Change of Registrant, both the gaining and losing registrants should be notified of any requests, and should have the option accept or reject, over EPP notifications.” Should this proposal be pursued further? Why or why not?

3053

Summary of Deliberations:

In its discussions, the working group found that the current requirement of receiving confirmation from both the prior registrant and new registrant before implementing a change of registrant presented data protection concerns which necessitated changes. It was determined that this confirmation was a data processing activity without true purpose, and that if confirmation is required it can be assumed from the registrant’s act of updating their data in the first place. Further, the confirmation requirement is often a confusing or disrupting event for registrants rather than presenting the intended benefit of notifying them of the update.

3062

Recommendations: [#26](#)

3064

3065

EPDP Phase 1, Recommendation 27, Related to Change of Registrant**Charter Question: EPDP Phase 1, Recommendation 27, Related to Change of Registrant**

e1) How should the identified issues be addressed?

3069

Summary of Deliberations:

The working group reviewed the two key issues from Section 3.11 of the Wave 1 Report that are directly related to Group 1(b) of its work, including the issues related to the Change of Registrant. The working group determined these specific issues are in scope for it to address during Group 1(b) and discussed and reviewed these issues during its plenary meetings. For the detailed responses on the key issues, please refer to [Annex 8](#) of this report.

3076

Recommendations: N/A

3078

3079

3080

3081

3082 **Charter Question: EPDP Phase 1, Recommendation 27, Related to Change of Registrant**
3083 e2) Can the Change of Registrant-related issue (identified in paragraph 6 of the Wave 1 report)
3084 be discussed and reviewed during the review of the Change of Registrant Process?
3085

3086 **Summary of Deliberations:**

3087 The working group reviewed Section II.B.1 of the Transfer Policy, which was identified in
3088 paragraph 6 of the Wave 1 report as needing further clarification. While the working group
3089 recommends eliminating Section II.B “Availability of Change of Registrant” from the future
3090 standalone Change of Registrant Data Policy (See Preliminary Recommendation 26.2), the
3091 working group also clarified that a change of registrant data does not necessarily entail a
3092 change to the data that is displayed publicly in RDDS (See Preliminary Recommendation 25.3).
3093 For further details, please refer to Annex 8 of this report.
3094

3095 **Recommendations: [#25](#), [#26](#)**
3096

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Annex 4 – Group 2 Charter Questions and WG Summary Deliberations

3101

3102 **Annex 4 - Group 2 Charter Questions and WG Summary Deliberations**3103 [Link](#) to TPR WG Charter.3104 **Transfer Emergency Action Contact (Inter-Registrar Transfers)**3105 For context on this topic and the associated charter questions, please see pages 33-37 of the
3106 [Final Issue Report](#).

3107

3108 **Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)**3109 f1) Is additional data needed to support evaluation of the effectiveness of the TEAC
3110 mechanism? If so, what data is needed?

3111

3112 **Summary of Deliberations:**3113 To support discussion on whether adjustments may be needed to the TEAC channel and
3114 associated policy requirements, the working group first reviewed relevant information in the
3115 Transfer Policy Status Report. In particular, the working group considered responses to the
3116 Registrar survey that describe pain points with respect to the TEAC channel. The working group
3117 noted the relevance of specific comments as they relate to charter questions under this topic.
3118 Specifically:

- 3119
- Survey responses regarding the 4-hour time frame for Registrars to provide an initial,
3120 non-automated response to communications via the TEAC channel. The working group
3121 considered these comments during deliberations on Charter Questions f2 and f3.
 - Comments regarding the need for more accountability in reaching a resolution after the
3122 issue has been raised through the TEAC channel. The working group considered these
3123 comments during deliberations on Charter Question f4.
3124

3125

3126 The working group reviewed metrics in the Transfer Policy Status Report reflecting ICANN
3127 Contractual Compliance Complaints received between August 2017 and July 2018 with the
3128 Transfer Complaint Category “Transfer Emergency Action Contact.” The working group noted
3129 that there were a total of three complaints in the relevant category during that period.

3130

3131 The working group requested that ICANN’s Contractual Compliance department provide more
3132 recent metrics regarding complaints, which might help to determine if there are notable trends

3133 in the number of complaints. ICANN’s Contractual Compliance department provided the
3134 working group with metrics covering the period from 1 September 2020 to 31 December 2022.
3135 During that period, there were five Compliance cases that were validated and confirmed to
3136 refer to TEAC obligations described in the Transfer Policy. Compliance further shared with the
3137 working group that in those five cases, the reported issue was that the TEAC did not provide an
3138 initial response within the required 4-hour time frame. In all cases, there was a time zone
3139 difference between the involved parties. All cases were closed after the reported Registrars
3140 took corrective action, such as allocating 24x7 staffing to the TEAC channel. The working group
3141 made note of this additional input in discussions related to charter questions f2 and f3.

3142
3143 The working group observed that survey responses and Contractual Compliance metrics
3144 provide some insight into pain points but also noted that additional information would be
3145 useful to support an assessment of the TEAC mechanism. In early input on the charter
3146 questions provided by SG/Cs, the following data points were identified as potentially useful:

- 3147 • Number of times TEAC channel is used
- 3148 • Modes of contact to TEAC, and whether these are satisfactory
- 3149 • Steps taken before contacting TEAC
- 3150 • Quality of initial response by TEAC
- 3151 • Whether the timeframe for response is satisfactory
- 3152 • Circumstances prompting use of TEAC
- 3153 • Number of cases where there are problems associated with use of the TEAC, including
3154 abuse of the channel
- 3155 • Circumstances of issues experienced with the TEAC
- 3156 • Type of resolution of case raised through TEAC
- 3157 • Level of satisfaction with final resolution

3158
3159 The working group further recalled that the working group charter identified the following
3160 additional metrics as potential data points to measure whether policy goals are achieved:

- 3161 • Number of TEAC requests responded to within the required timeframe vs. number of
3162 TEAC requests NOT responded to within the required timeframe
- 3163 • Number of TEAC requests resulting in a “transfer undo”

3164
3165 The working group agreed that the decentralized nature of the TEAC mechanism makes it
3166 difficult to consistently track information about utilization of the channel and that in practice,
3167 potentially useful data points are not readily available. The working group considered that if a
3168 centralized system of record were to be used for TEAC communications in the future, it would
3169 be easier to track certain information, such as the total number of TEAC requests and the
3170 timeframe for initial response. As discussed in the working group’s response to Charter

3171 Question f5, the working group decided not to recommend that ICANN pursue a centralized
3172 system of record for TEAC communications.

3173

3174 The working group considered whether to recommend that either Registrars or ICANN must
3175 track and analyze additional information regarding the TEAC channel to support future review
3176 of the mechanism. The working group concluded that any such effort would be resource
3177 intensive and logistically difficult given the decentralized nature of the mechanism.

3178

3179 The working group concluded that survey results, metrics from ICANN's Contractual Compliance
3180 department, and anecdotal input from Registrar and Registry representatives in the working
3181 group provide a sufficient basis to respond to the Charter Questions regarding the TEAC
3182 mechanism.

3183

3184 **Recommendations: N/A**

3185

3186

3187 **Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)**

3188 f2) The time frame (4 hours) for registrars to respond to communications via the TEAC channel
3189 has been raised as a concern by the Transfer Policy Review Scoping Team and in survey
3190 responses. Some have expressed that registries must, in practice, have 24x7 coverage by staff
3191 members with the appropriate competency to meet this requirement and the language skills to
3192 respond to communications from around the world. Is there merit to concerns that the
3193 requirement disproportionately impacts certain registrars, namely:

- 3194 i. Registrars located in regions outside of the Americas and Europe, because of
3195 significant time zone differences?
- 3196 ii. Small and medium-sized registrars, which may not have a sufficiently large team
3197 to have 24x7 staff coverage with the necessary competency? iii. Registrars in
3198 countries where English is not the primary language, who may, in practice, need to
3199 have English-speaking TEAC contacts to respond to requests in English?

3200

3201 f3) To what extent should the 4-hour time frame be revisited in light of these concerns? Are
3202 there alternative means to address the underlying concerns other than adjusting the time
3203 frame?

3204

3205 **Summary of Deliberations:**

3206 The working group reviewed survey responses from the Transfer Policy Status report and
3207 concerns raised by the Transfer Policy Scoping Team with respect to the 4-hour time frame for
3208 a Gaining Registrar to provide an initial response to communications via the TEAC channel.

3209 Registrar representatives in the working group confirmed that the burden of this requirement
3210 can be especially acute when Registrars are working across time zones and languages and for
3211 Registrars with smaller teams.

3212
3213 Registrar representatives in the working group further observed that the consequences of
3214 failing to respond to a TEAC communication within 4 hours can be significant. As detailed in
3215 Section I.A.6.4 of the Transfer Policy, a Losing Registrar may ask the Registry Operator to
3216 “undo” the transfer in cases where the Gaining Registrar fails to respond within the 4-hour time
3217 frame. Registrar representatives in the working group have observed situations where a Losing
3218 Registrar reaches out to a TEAC in the middle of the night or during a holiday period in the
3219 Gaining Registrar’s country, understanding that the TEAC may be slower to respond than usual.
3220 The Losing Registrar takes this action with expectation that the TEAC may miss the 4-hour
3221 deadline, enabling the Losing Registrar to ask the Registry Operator to “undo” the transfer.
3222 While the frequency of such occurrences is unknown, the working group agreed that such
3223 misuse of the TEAC channel should be a factor in reconsidering the timeline.

3224
3225 In light of concerns about the tight timeline for initial response to a TEAC request and
3226 significant consequences for missing the deadline, some working group members suggested
3227 that there should be a different set of requirements when two Registrars are based in distant
3228 time zones. Other working group members suggested that the consequences for missing the
3229 timeline should be less severe than a transfer “undo.” The working group did not come to
3230 agreement on either of these proposals.

3231
3232 Ultimately, the working group agreed that a longer timeframe for initial response, universally
3233 applied, is the simplest solution to addressing the concerns raised. The working group noted
3234 that the RAA provides a 24-hour deadline for Registrars to provide an initial, non-automated
3235 response to reports of illegal activity, although final resolution of the underlying issue may take
3236 longer. The working group observed that communication to a TEAC could be considered an
3237 analogous use case and agreed that a 24-hour time frame for initial response is acceptable for
3238 handling emergencies, while addressing concerns raised by Registrars about the operational
3239 impacts of TEAC requirements and associated risks of misuse.

3240
3241 **Recommendations: [#29](#)**

3242
3243
3244

3245

Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)

3247 f4) Section I.A.4.6.2 of the Transfer Policy states that “Communications to a TEAC must be
3248 initiated in a timely manner, within a reasonable period of time following the alleged
3249 unauthorized loss of a domain.” The Transfer Policy Review Scoping Team noted that this
3250 timeframe should be more clearly defined. Is additional guidance needed to define a
3251 “reasonable period of time” after which registrars should be expected to use a standard dispute
3252 resolution process?

3253

Summary of Deliberations:

3254 The working group reviewed Section 1.A.4.6.2 of the Transfer Policy and agreed with the
3255 Scoping Team’s assessment that “timely manner” and “within a reasonable period of
3256 time following the alleged unauthorized loss of a domain” are open to different interpretations
3257 and need to be better defined. The working group agreed that clear policy language will ensure
3258 that all Registrars have a common understanding of the expected parameters within which the
3259 TEAC channel may be used.

3260

3261 The working group considered a suggestion from RrSG early written input that the timeframe
3262 for an initial communication to the TEAC should be aligned with the point in time at which the
3263 Registrar is made aware of the unauthorized transfer, rather than the alleged unauthorized loss
3264 of a domain. The working group agreed that it is difficult to validate when a Registrar has
3265 become aware of an unauthorized transfer, and determined that it is more appropriate to keep
3266 the objective point of reference currently included in the policy.

3267

3268 The working group considered whether it may be appropriate to define a specific period of time
3269 after which the TEAC may no longer be used. The policy could state, for example,
3270 “Communications to a TEAC must be initiated in a timely manner, within a x days following the
3271 alleged unauthorized loss of a domain.” Some working group members provided the
3272 perspective that if an extended period of time passes following alleged unauthorized loss of a
3273 domain and the registrant fails to notice and alert the Registrar, this may be an indication that
3274 the situation is not a true emergency, and therefore TEAC is not the appropriate channel for
3275 resolution. Other working group members expressed that there may be extenuating
3276 circumstances in which a long period of time has passed following the alleged unauthorized loss
3277 of a domain but resolution is an emergency nonetheless. It was noted that the definition of an
3278 “emergency” can be subjective and dependent on circumstances.

3279

3280 The working group agreed that the most appropriate path forward is to set a clear expectation
3281 for a “reasonable period of time” while also providing an opportunity to use the TEAC channel
3282

3283 after a longer period under extenuating circumstances. In considering how to define
3284 “reasonable period of time,” the working group noted that recommendations 16 and 17
3285 provide for a 30-day transfer restriction following registration or an inter-Registrar transfer. The
3286 purpose of these recommendations is to provide an opportunity for the registrant and Registrar
3287 to identify and act on unwanted or unauthorized activity before a subsequent inter-Registrar
3288 transfer can take place. The working group agreed that a 30-day period is also an appropriate
3289 standard timeframe to identify and act on an emergency associated with a transfer.

3290

3291 In reviewing survey responses included in the Transfer Policy Status Report, the working group
3292 identified a second issue to consider under this charter question. The policy specifies a
3293 timeframe by which the TEAC must provide an initial, non-automated response, but in many
3294 cases, additional steps are required to resolve the issue raised through the TEAC channel. Some
3295 working group members and survey respondents indicated that more structure and guidance is
3296 needed regarding the expected timeframe for reaching a final resolution on an issue raised
3297 through the TEAC channel. Currently, the policy has no such requirements.

3298

3299 Registrar representatives in the working group shared that in some cases, a TEAC will provide a
3300 timely initial response that is not substantive, but will then take an extended period of time to
3301 follow up and work towards resolution of the issue. Some Registrar representatives expressed
3302 concern that absent any policy requirements, there is no penalty for a Registrar who delays or
3303 fails to follow through on resolution of an emergency request.

3304

3305 Working group members considered whether it could be possible to define a deadline or set
3306 timeframe by which resolution of an issue raised through the TEAC channel must be resolved.
3307 Working group members considered that there may be many different types of issues raised
3308 through the TEAC channel and different resolution paths. Absent data on the types of issues
3309 that Registrars handle through the TEAC channel and standard timeframes for resolution, it is
3310 difficult to set standard requirements and deadlines. In addition, it was noted that rigid
3311 requirements might result in a Registrar being penalized for missing a deadline, even though
3312 the Registrar is working diligently to resolve a particularly complex issue.

3313

3314 Ultimately, the working group determined that it is not appropriate to set fixed deadlines for
3315 resolution of an issue raised through the TEAC channel. Instead, the working group agreed that
3316 there should be requirements for greater transparency and accountability with respect to
3317 resolution of issues raised through the TEAC channel. Namely, the working group agreed that
3318 the Gaining Registrar must provide regular updates to the Losing Registrar who initiated the
3319 TEAC request and must demonstrate progress towards resolution of the issue as detailed in
3320 Recommendation 31.

3321

3322 **Recommendations: [#30](#), [#31](#)**

3323

3324

3325

3326 **Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)**

3327 f5) According to section I.A.4.6.2 of the Transfer Policy, the TEAC may be designated as a
3328 telephone number, and therefore some TEAC communications may take place by phone. The
3329 Transfer Policy Review Scoping Team flagged this provision as a potential item for further
3330 consideration. Do telephone communications provide a sufficient “paper trail” for registrars
3331 who may later wish to request a transfer “undo” based on failure by a TEAC to respond? Such a
3332 request would require the registrar to provide evidence that a phone call was made and not
3333 answered, or a call back was not received within 4 hours. Noting this requirement, should the
3334 option to communicate by phone be eliminated? Is an authoritative “system of record” for
3335 TEAC communications warranted? If so, what are the requirements for such a system?

3336

3337 **Summary of Deliberations:**

3338 The working group observed that the paper trail associated with telephone communications
3339 may be less robust than records associated with other forms of communication, such as email.
3340 This limited paper trail may make it more difficult to verify the sequence of events associated
3341 with a TEAC communication when the Losing Registrar:

3342

- 3343 • Reports to ICANN Contractual Compliance Department that the Losing Registrar called
3344 the Gaining Registrar’s TEAC and the TEAC did not pick up the call or call back within the
3345 required timeframe.
- 3346 • Requests that the Registry Operator “undo” a transfer because the Losing Registrar
3347 called the Gaining Registrar’s TEAC and the TEAC did not pick up the call or call back
3348 within the required timeframe.

3349

3350 It was noted that while it is technically possible to extract call logs to use as evidence, this type
3351 of investigation can be time-consuming and labor-intensive in practice. The working group
3352 observed that it may be beneficial to establish a consistent means of documenting the initial
3353 communication exchange involving the TEAC channel.

3354

3355 The working group considered the potential merits of establishing an “authoritative system of
3356 record” for TEAC communications. Working group members noted, for example, that ICANN
3357 could explore whether the Naming Services Portal could be modified to allow Registrars to

3358 send, receive, and respond to TEAC communications through the portal. Such a system could
3359 potentially provide a clear record of communications with associated timestamps. An additional
3360 benefit would be the possibility of collecting and tracking metrics about use of the TEAC in the
3361 aggregate across Registrars. Some working group members envisioned a model in which one
3362 Registrar could initiate a TEAC request in the system, which would transmit the request to
3363 another Registrar's TEAC via the communications channel of the recipient's (email, phone, text,
3364 etc), while capturing records centrally.

3365
3366 Some Registrar representatives in the working group opposed rigid requirements regarding the
3367 method of contact by which TEAC communications occur. From this perspective, when handling
3368 an emergency, it is beneficial to have flexibility. Working group members further noted that a
3369 centralized system of record could be costly to develop and burdensome for Registrars to
3370 adopt. While it is unknown how often Registrars contact one another via the TEAC channel,
3371 there is anecdotal evidence that the numbers are low. Some working group members
3372 expressed that if TEAC communications are limited in number, such a transition to an
3373 authoritative system of record may not be worth the effort. Working group members also
3374 noted that a centralized system creates a single point of failure, which may be undesirable
3375 when handling emergency situations.

3376
3377 The working group sought alternatives that would maintain flexibility for Registrars to continue
3378 to use the phone, where appropriate, while also creating a more robust paper trail. The working
3379 group agreed that Registrars should have the discretion to use the method of communication
3380 they choose, including text messages and phone calls, but if the initial contact occurs by means
3381 other than email, Registrars must supplement this communication with an email exchange. This
3382 email exchange is comprised of:

- 3383 1. The first email that the Losing Registrar sends to the Gaining Registrar's TEAC, and
- 3384 2. The initial response that the TEAC provides.

3385
3386 The working group considered whether it would be desirable to copy ICANN org and the
3387 Registry on the initial email exchange. It was noted that doing so might create the expectation
3388 that ICANN org or the Registry is taking action on the exchange, when in fact, they are not. It
3389 was also noted that from a data privacy standpoint, it is likely inappropriate to copy additional
3390 parties on emails that contain personally identifiable information without a clear purpose for
3391 those parties to be collecting and retaining the information.

3392
3393 ICANN's Contractual Compliance department and Registry representatives noted that org and
3394 registries have due diligence processes already in place to address reports that a Gaining
3395 Registrar has failed to respond to a TEAC request within the required timeframe. An email copy

3396 is not expected to eliminate the need for these due diligence steps, and therefore org and
3397 registries saw limited utility in being copied.

3398
3399 In light of these considerations, the working group determined that the Registry and ICANN org
3400 should not be copied on emails by default.

3401
3402 **Recommendations: [#32](#)**

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3404

3405

3406 **Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)**

3407 f6) The Transfer Policy Review Scoping Team indicated that there are several factors that make
3408 a Registry Operator’s obligation to “undo” a transfer under Section 6.4 of the Transfer Policy
3409 challenging:

- 3410
- 3411 i. Registry Operators do not have access to the designated TEACs for each Registrar,
3412 making validation of an undo request nearly impossible.
 - 3413 ii. There is no way for Registry Operators to independently verify that a Registrar did not
3414 respond within the required time frame or at all since Registry Operators are not a party
3415 to, or copied on, communications between the Registrar TEACs.
 - 3416 iii. Transfer “undo” requests associated with the failure of a TEAC to respond are
3417 unilateral so there is no validation required prior to a Registry Operator taking action.
3418 This has, on occasion, led to a “he said”, “she said” scenario.
 - 3419 iv. Follow on to f6 iii., if the policy were to be updated to allow for some level of
3420 validation by the Registry Operator prior to taking action, the requirement to “undo” a
3421 transfer within 5 calendar days of receiving an TEAC undo request leaves little to no
3422 time to attempt to validate the request prior to taking the action.

3423
3424 f7) To what extent are changes to the policy needed to address these concerns? Are there other
3425 pain points for Registry Operators that need to be considered in the review of the policy in this
3426 regard?

3427
3428 **Summary of Deliberations:**

3429 Following discussion with members of the Working Group, ICANN’s Global Domains & Strategy
3430 (GDS) Team looked into the issues described in Charter Questions f6 and f7, and was able to
3431 update their internal process to address the issue. Specifically, announcements of changes to
3432 Registrar contacts, which are sent on a weekly basis, now include all updates to TEAC contacts.

3433 Registry representatives from the working group have confirmed that this issue is now resolved
3434 without further discussion or intervention from the working group.

3435

3436 **Recommendations: N/A**

3437

3438

3439 **Transfer Dispute Resolution Policy**

3440 For context on this topic and the associated charter questions, please see pages 37-43 of the
3441 [Final Issue Report](#).

3442 **Charter Question: Transfer Dispute Resolution Policy**

3443 g1) Is there enough information available to determine if the TDRP is an effective mechanism
3444 for resolving disputes between registrars in cases of alleged violations of the IRTP? If not, what
3445 additional information is needed to make this determination?

3446

3447 **Summary of Deliberations:**

3448 The Working Group noted the limited data available to review the TDRP; however, the working
3449 group reviewed what was available, including published TDRP decisions and ICANN Compliance
3450 data related to the TDRP. In its review of this data, the Working Group noted that there is
3451 difficulty in making conclusions based on the available data since the majority of transfer-
3452 related disputes are handled outside of the TDRP, i.e., via the TEAC channel, via informal
3453 resolution between registrars, or the court system.

3454

3455 The Working Group noted that the small number of cases does not, alone, indicate that the
3456 TDRP is an ineffective mechanism for resolving disputes between registrars in cases of alleged
3457 violations of the Transfer Policy. The TDRP was designed to address violations of the Transfer
3458 Policy. The TDRP was not designed to address all tangential transfer issues of disgruntled
3459 registrants; for example, the TDRP cannot and was not designed to address instances of domain
3460 theft, human error, business disputes, etc.

3461

3462 In its analysis of the data, the working group noted that while the TDRP filings were limited, the
3463 Working Group felt the available data was sufficient to demonstrate the TDRP is an effective
3464 mechanism for resolving the types of disputes it was designed to address: alleged violations of
3465 the Transfer Policy.

3466

3467 **Recommendations: N/A**

3468

3469

3470

3471 **Charter Question: Transfer Dispute Resolution Policy**

3472 g2) The ADNDRC reported to the IRTP Part D Working Group that in some of the cases it
3473 processed, appellees and appellants failed to provide sufficient information to support
3474 arbitration. Is this an issue that needs to be examined further in the context of the policy?

3475 i. Are the existing informational materials about the TDRP sufficient to ensure that
3476 registrars understand the process and the requirements for filing a dispute, including
3477 the information they need to give to the dispute resolution provider?

3478

3479 **Summary of Deliberations:**

3480 The Working Group reviewed multiple sources as it formed its response to this question.

3481 Specifically, the Working Group reviewed (i) the text of the TDRP relating to the documentary
3482 information required to be provided by filing and responding parties, (iii) the specific cases
3483 published on the TDRP providers' websites, (iii) the existing information ICANN org provides on
3484 its web pages related to transfer disputes and transfer-related issues.

3485

3486 The Working Group noted that the TDRP's evidentiary requirements seem sufficiently clear;
3487 however, the Working Group further noted that the limited amount of TDRP filings makes it
3488 difficult to identify any clear pattern of deficiencies or problems with the current text related to
3489 required documentation. Accordingly, the WG did note that this specific question may need to
3490 be reviewed in the future to assess whether additional TDRP decisions indicate any gaps where
3491 further context could be provided.

3492

3493 Lastly, the Working Group noted that the information provided by complainants and
3494 respondents would likely be updated pursuant to EPDP Phase 1, Recommendation 27, and, to
3495 that end, any updates must be drafted clearly to aid the understanding of providers, parties,
3496 and panelists.

3497

3498 **Recommendations: N/A**

3499

3500

3501

3502

Charter Question: Transfer Dispute Resolution Policy

3503 g3) If the TDRP is considered to be insufficient: i. Are additional mechanisms needed to
3504 supplement the TDRP? ii. Should the approach to the TDRP itself be reconsidered?
3505

3506

Summary of Deliberations:

3507
3508 The Working Group agreed that the Transfer Policy Dispute Resolution (TDRP) is currently
3509 insufficient in one important respect: it is exclusively for use by registrars and remains
3510 unavailable to domain name registrants.

3511

3512 i. In reviewing this question, the Working Group reviewed the prior determination of the IRTP
3513 Working Group Part D. Following extensive discussion, the IRTP WG Part D determined the
3514 TDRP should not be made available to registrants. Specifically, IRTP WG D, in its Final Report,
3515 provided the following recommendation, “The WG recommends not to develop dispute options
3516 for registrants as part of the current TDRP.” That Working Group ultimately determined that
3517 allowing registrants to access the TDRP directly could potentially (i) overload the TDRP and lead
3518 to abusive filings, (ii) result in complications based on the TDRP payment schedule (the “loser
3519 pays” model), and (iii) pose an issue for documentary evidence, as the relevant registrars are
3520 generally in possession of the evidence needed to file a TDRP, not the registrant.

3521

3522 The Working Group discussed the above factors and also noted that many registrant concerns
3523 and issues with unauthorized inter-registrar transfers fall outside the limited scope the TDRP is
3524 designed to address. For example, a bad actor may compromise a registrant’s account, update
3525 contact details, retrieve the Transfer Authorization Code (TAC), and transfer a domain name to
3526 another registrar without the authorization of the registrant. This type of transfer may
3527 technically comply with the Transfer Policy, provided the required steps are followed, even
3528 though the domain name was compromised prior to the transfer.

3529

3530 With this in mind, the Working Group observed that it would be beneficial and timely for the
3531 GNSO to further research the advantages and disadvantages of creating a dispute resolution
3532 mechanism for registrant filers. At a minimum, the Working Group believes the option of
3533 rethinking registrant access to the TDRP should be further explored. The Working Group also
3534 recommends that the GNSO also explore, via an Issues Report or similar method, the pros and
3535 cons of a stand-alone dispute resolution mechanism for registrant filers. Specifically, the
3536 Working Group recommends exploring the feasibility of creating a narrowly-tailored dispute
3537 resolution mechanism similar to the Uniform Domain Name Dispute Resolution Policy, whereby
3538 a registrant pays a filing fee, provides documentary evidence showing an improper transfer has

3539 occurred, and a neutral panelist makes a determination whether to transfer a domain name or
3540 deny a complaint.

3541
3542 ii. As noted above, the Working Group discussed the pitfalls and disadvantages provided by the
3543 IRTP WG Part D with respect to registrant access to the TDRP. The Working Group noted that if
3544 a registrant believes an improper transfer has taken place, and its previous registrar of record is
3545 either unresponsive or unable to resolve the issue informally and/or the previous registrar is
3546 unwilling to file a TDRP complaint, the registrant is left with unfavorable options. The registrant
3547 could choose to file a complaint with ICANN compliance; however, ICANN compliance does not
3548 have the authority to reverse a transfer. The registrant could also choose to go to court;
3549 however, that option can be prohibitively expensive, especially compared to the cost of filing a
3550 TDRP complaint.

3551
3552 For these reasons, and the reasons noted in section (i), the Working Group is recommending
3553 the GNSO request an Issues Report on registrant dispute options for improper domain name
3554 transfers.

3555
3556 **Recommendations: #33**

3557
3558

3559
3560 **Charter Question: Transfer Dispute Resolution Policy**

3561 g4) Are requirements for the processing of registration data, as specified in the TDRP, compliant
3562 with data protection law?

3563
3564 g5) Are requirements for the processing of registration data, as specified in the TDRP,
3565 appropriate based on principles of privacy by design and data processing minimization?

3566
3567 **Summary of Deliberations:**

3568
3569 In reviewing this charter question, the Working Group reviewed the documentary evidence that
3570 is processed during the course of a TDRP proceeding, including data points that are provided by
3571 the Complainant to the Provider, the Respondent to the Provider, and the Provider to the
3572 Panelist.

3573
3574 The Working Group noted that some evidentiary requirements need to be updated based on
3575 outdated language that needs to change as a result of EPDP Phase 1, Rec. 27. The Working

3576 Group has provided draft updates to the TDRP in [Annex 9](#). For further information, please refer
3577 to [Annex 8](#), where the Working Group’s comprehensive review of the Rec. 27 updates is
3578 contained.

3579

3580 **Recommendations: N/A**

3581

3582

3583

3584 **ICANN-Approved Transfers**

3585 For context on this topic and the associated charter questions, please see pages 37-43 of the
3586 [Final Issue Report](#).

3587

3588 **Charter Question: ICANN-Approved Transfers**

3589 i1) In light of these challenges* described in section 3.1.7.2 of the Final Issue Report, should the
3590 required fee in Section I.B.2 of the Transfer Policy be revisited or removed in certain
3591 circumstances?

3592

3593 **Summary of Deliberations:**

3594 *Note: the challenges referenced in Section 3.1.7.2 of the [Final Issues Report](#) are provided
3595 below for ease of reference:

3596

3597 “In preparing this report, ICANN org Policy staff consulted with other departments within
3598 ICANN org. Colleagues from Global Domains and Strategy (GDS), who manage the De-
3599 Accredited Registrar Transition Procedure, have noted that the requirements in Section I.B.2 of
3600 the Transfer Policy have caused challenges in certain instances of de-accreditation. Specifically,
3601 the requirement for a gaining registrar to pay a one-time flat fee of \$50,000 can make it difficult
3602 to secure a gaining registrar. By way of example, when the pool of potential gaining registrars
3603 perceive the value of a domain portfolio to be minimal, where the terminating registrar’s
3604 domains are known or suspected to have a significant portion of abusive registrations, data
3605 escrow issues (the data in escrow is outdated or incomplete), or expectations of renewal rates
3606 are low (in the case of aggressive promotions), the requirement for a gaining registrar to pay a
3607 one-time flat fee of \$50,000 USD to the registry operator makes it difficult to secure a gaining
3608 registrar to accept the domains. This, in turn, poses a risk to the registrants who have utilized
3609 the services of the terminating registrar. Furthermore, ICANN has limited ability to determine
3610 the quality of the domains or make representations to potential gaining registrars as to the
3611 value of the domains.” - pp. 50-51 of [Final Issues Report](#)

3612

3613 In discussing this topic, the Working Group wished to clarify the various types of bulk transfers
3614 in order to elucidate the recommendation text. Specifically, Section I.B.2 of the Transfer Policy
3615 refers to “full portfolio transfers,” which the working group described as a Registrar transferring
3616 all of its domain names under management (due to termination of a Registrar Accreditation
3617 Agreement) or all of its domain names within a specific TLD(s) (due to termination of a Registry
3618 Registrar Agreement). Full Portfolio Transfers are distinct from partial bulk transfers, which the
3619 working group describes as “Change of Sponsorship”). The working group chose to use these
3620 references, Full Portfolio Transfers and Change of Sponsorship within this report to avoid
3621 confusion.

3622

3623 The Working Group deliberated the required fee in I.B.2 at length, and Registry representatives
3624 noted that the fee is in recognition of the administration and coordination required to
3625 implement a full portfolio transfer. Accordingly, the Working Group agreed that in the case of
3626 an involuntary transfer, the Registry may charge a fee, but the Registry may not charge a fee in
3627 the event of an involuntary full portfolio transfer. The working group noted the challenges in
3628 securing a Gaining Registrar for involuntary full portfolio transfers, described by ICANN org and
3629 agreed the fee should be waived in these instances.

3630

3631 In discussing this question, the Working Group reviewed the entirety of the policy language in
3632 I.B and noted that the language related to fees was outdated. The Working Group discussed at
3633 length the possibility of an updated process, noting that the DNS landscape has changed
3634 significantly with the addition of many more Registry Operators and TLDs than when the policy
3635 language in 1.B was first introduced. Recommendations #34 - #39 propose a new process for
3636 the fee associated with voluntary full portfolio transfers. The Working Group retained the
3637 current domain name ceiling of 50,000 names and the current fee of \$50,000; in other words, a
3638 potential fee is triggered when the full portfolio transfer involves 50,000 or more domain
3639 names. The Working Group, however, introduced the concept of a collective fee, which means
3640 the fee across all involved registry operators cannot exceed \$50,000 total. In other words, the
3641 fee is calculated by the total number of domain names involved in the full portfolio transfer,
3642 instead of per TLD. This is explained in more detail in the recommendation text of #34 - #39,
3643 which should be considered collectively.

3644

3645 **Recommendations: [#34](#), [#35](#), [#36](#), [#37](#), [#38](#), [#39](#)**

3646

3647

3648

3649

3650

Charter Question: ICANN-Approved Transfers

3652 i2) Should the scope of voluntary bulk transfers, including partial bulk transfers, be expanded
3653 and/or made uniform across all registry operators? If so, what types of rules and considerations
3654 should govern voluntary bulk transfers and partial bulk transfers?

3655

Summary of Deliberations:

3657 During the public comment period on Preliminary Issue Report, all three commenters
3658 recommended the topic of ICANN-approved transfers be further examined by the eventual
3659 working group. Accordingly, this charter question was added to the Working Group’s charter.

3660

3661 Specifically, commenters raised concerns about the current scope of ICANN-approved bulk
3662 transfers being very limited, and requesting an eventual working group explore an updated
3663 policy that could accommodate bulk transfers not tied to an acquisition. One commenter
3664 noted, “although some registry operators utilize Bulk Transfer After Partial Portfolio Acquisition
3665 (BTAPPA), in order to provide this service, registry operators must first add it as an additional
3666 registry service through the Registry Services Evaluation Policy (RSEP). Because of these
3667 complicating factors, there may be differences between registry operators for bulk transfers,
3668 and not all registry operators may offer bulk transfers. The standardization of the bulk transfer
3669 process between registrars would allow registrars who are also acting as resellers to more
3670 efficiently consolidate their domains under management onto a single IANA credential, should
3671 they so desire. It may also harmonize divergent processes between registries, adding
3672 transparency and efficiency to the DNS ecosystem limits competition and free trade.”

3673

3674 The Working Group received the following early input related to this topic:

3675

3676 **RySG:** In this context, the RySG is distinguishing a “voluntary bulk transfer” from “near-
3677 simultaneous, traditional inter-registrar transfers” by assuming that the former is intended to
3678 mean “a transfer that does not include term extension”. The RySG supports an expansion of a
3679 RO’s ability to provide a voluntary bulk transfer capability.

3680

3681 However, the RySG does not support enforced uniformity of voluntary bulk transfer across all
3682 ROs. The RySG believes that an RO should be able to use its bulk transfer capability as a
3683 competitive differentiator. The RySG supports an approach to voluntary/partial bulk transfers
3684 (i.e. multi-domain, batch-oriented transfers without term extension) that simply involves tri-
3685 party agreement between RO, Sponsoring Registrar, and Gaining Registrar.

3686

3687 **RrSG:** While this would be desirable for registrars, what is the frequency of these transfers? Is it

3688 common enough that a uniform set of rules should be established? This will require process
3689 changes for registries, so the cost to make the changes should be justified through common
3690 usage. With this additional information, the RrSG can provide better feedback.

3691

3692 The Working Group was presented with the below poll question to consider the future
3693 approach:

3694 Should the scope of voluntary bulk transfers, including partial bulk transfers, be expanded
3695 and/or made uniform across:

3696 1. all registry operators (via an update to the Transfer Policy)

3697 OR

3698 2. all registry operators who offer the BTAPPA (via recommended updates to the BTAPPA)

3699

3700 Working Group member noted:

3701 ● In cases where one registry uses BTAPPA but another does not, that can be a barrier to
3702 transferring (e.g. a normal transfer of 20,000 names can be expensive and inconvenient)

3703 ● A uniform approach can also include built-in flexibility.

3704 ● The [BTAPPA boilerplate](#) language could potentially be loosened to be more widely
3705 accessible while remaining a voluntary service.

3706 ● In some situations, a Registrar's agent (a reseller) may need to change the sponsoring
3707 registrar due to data privacy concerns, and there is currently not the ability to do this

3708

3709 The Working Group ultimately agreed to expand the BTAPPA to all Registry Operators via the
3710 Transfer Policy, agreed to expand the BTAPPA to Registrar agents to allow for greater flexibility
3711 (noting that the Registrar is ultimately responsible for compliance with the Transfer Policy), and
3712 the Working Group conducted a comprehensive review of the [BTAPPA boilerplate](#) and
3713 developed policy recommendations with that as a model.

3714

3715 **Recommendations: [#40](#), [#41](#), [#42](#), [#43](#), [#44](#), [#45](#), [#46](#), [#47](#)**

3716

3717

3718

3719 **Wave 1, Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)**

3720 **Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)**

3721 j1) How should the identified issues be addressed?

3722

3723 **Summary of Deliberations:**

3724 The Working Group conducted a detailed analysis of the issues identified in the Wave 1,
3725 Recommendation 27 Report, and its analysis can be found in Annex 8. Where updated language
3726 is recommended, the recommendation references have been included below.

3727

3728 **Recommendations: [#1](#), [#2](#), [#15](#), [#25](#), [#26](#)**

3729

3730

3731

3732 **Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)**

3733 j2) Can the identified Transfer Policy Dispute Resolution Policy Issues (noted in TDRP questions
3734 1-5 of the Wave 1 report) be discussed and reviewed during the review of the TDRP?

3735

3736 **Summary of Deliberations:**

3737 The Working Group determined that yes, the TDRP-related issues from the Wave 1,
3738 Recommendation 27 Report could be reviewed during the Working Group's review of the TDRP.
3739 The Working Group provided its analysis in Annex 8 and proposed updated language for the
3740 TDRP in Annex 9.

3741

3742 **Recommendations: N/A**

3743

3744

3745

3746 **Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)**

3747 j3) Are there any Transfer Policy or Transfer Dispute Resolution Policy issues that were not
3748 captured in the Recommendation 27 Wave 1 Report that need to be considered?

3749

3750 **Summary of Deliberations:**

3751 The Working Group did not identify any additional issues.

3752

3753 **Recommendations: N/A**

3754

3755

3756

3757 **Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)**

3758 j4) Should these issues, or a subset of these issues, be resolved urgently rather than waiting for
3759 the respective PDP Working Group?

3760

3761 **Summary of Deliberations:**

3762 The Working Group did not identify any issues that needed urgent resolution.

3763

3764 **Recommendations: N/A**

3765

Annex 5 – Working Group Approach

3766

3767 This section provides an overview of the working methodology and approach of the working
3768 group. The points outlined below are meant to provide the reader with relevant background
3769 information on the working group’s deliberations and processes and should not be read as
3770 representing the entirety of the efforts and deliberations of the working group.

3771

3772 **Project Plan**

3773 The working group’s first deliverable was to provide the GNSO Council with a Phase 1(a) project
3774 plan. To develop the project plan, the leadership team sought input from members about the
3775 sequence in which to address topics and the amount of time each topic would take to discuss.
3776 This input was used to develop the [project plan](#), which was delivered to the GNSO Council for
3777 its consideration during the [22 July 2021](#) Council meeting.

3778

3779 As deliberations progressed, the working group agreed that it was important to examine all
3780 elements of the security model for domain name transfers in a holistic manner as part of its
3781 Phase 1 deliberations. The working group determined that the topic denying (NACKing)
3782 transfers should be addressed in Phase 1(a) rather than Phase 2 as originally included in the
3783 charter. As a result, the working group leadership team submitted a Project Change Request to
3784 the GNSO Council, which Council [adopted](#) on 16 December 2021. The expanded scope did not
3785 impact its target delivery dates to which the working group committed.

3786

3787 During the course of its Phase 1(b) work, the working group recognized that certain Phase 2
3788 topics must be addressed before Phase 1 recommendations could be fully developed.
3789 Specifically, the working group observed that the charter questions related to the Transfer
3790 Dispute Resolution Policy (TDRP) and the Transfer Emergency Action Contract (TEAC), two
3791 Phase 2 topics, were dependencies for both Phase 1(a) and Phase 1(b) recommendations. As a
3792 result, the leadership team prepared a [Project Change Request \(PCR\)](#) to update its work plan to
3793 (i) consolidate all work into a single phase and (ii) change the order in which topics were to be
3794 considered. The GNSO Council [approved](#) the PCR during its meeting on 16 February 2023.
3795 Because the PDP was initially chartered in two phases, as a consequence of the approved PCR,
3796 the [charter](#) was updated to include minor revisions to remove references to phases.

3797

3798 **Early Community Input**

3799 In accordance with GNSO policy development process requirements, the working group [sought](#)
3800 [written input](#) on the charter topics from each Supporting Organization, Advisory Committee
3801 and GNSO Stakeholder Group / Constituency. The input received was incorporated into the
3802 working group’s deliberations as each topic was discussed. Since all groups that provided

3803 written input also had representative members or appointed subject matter experts in the
3804 working group, those members were well positioned to respond to clarifying questions from
3805 other members about the written input as it was considered.

3806

3807 **Methodology for Deliberations**

3808 The working group began its deliberations for Phase 1(a) on 14 May 2021. The working group
3809 agreed to continue its work primarily through conference calls scheduled weekly, in addition to
3810 email exchanges on its mailing list. The working group held sessions during [ICANN71](#), [ICANN72](#),
3811 [ICANN73](#), [ICANN74](#), [ICANN75](#), [ICANN76](#), [ICANN77](#), [ICANN78](#), [ICANN79](#), and [ICANN80](#). These
3812 sessions provided an opportunity for the broader community to contribute to the working
3813 group’s deliberations and provide input on the charter topics being discussed.

3814

3815 All of the working group’s work is documented on its [wiki workspace](#), including its meetings,
3816 mailing list, meeting notes, deliberation summaries, draft documents, background materials,
3817 [early input](#) received from ICANN org, and input received from ICANN’s Supporting
3818 Organizations and Advisory Committees, including the GNSO’s Stakeholder Groups and
3819 Constituencies.

3820

3821 To develop the content included in the Initial Report, the working group progressed through
3822 the charter questions by topic, following the sequence established in the project plan. Because
3823 the topics are closely interrelated, the working group took an iterative approach to producing
3824 and reviewing draft responses to charter questions and draft preliminary recommendations to
3825 ensure that the full package of outputs was coherent and comprehensive.

3826

3827 To ensure that all groups represented in the working group had ample opportunity to provide
3828 input to the deliberations, the leadership team opened each working group meeting with an
3829 invitation for members to step forward and provide any updates about discussions happening
3830 within their Supporting Organization/Advisory Committee/Stakeholder Group/Constituency
3831 regarding the charter topics, as well as any positions or interests members wanted to share on
3832 behalf of their groups. To further support fulsome discussion, the leadership team regularly
3833 deployed informal polls in the meeting Zoom room to get a better sense of the “temperature of
3834 the room” and to prompt the sharing of perspectives and viewpoints that may not otherwise be
3835 voiced through less structured interaction.

3836

3837 For those working group members who were less comfortable speaking on calls, the leadership
3838 team encouraged additional feedback on the mailing list and through written contributions to
3839 working group documents.

3840

3841 Use of Working Documents

3842 The working group used a series of working documents, organized per charter topic, to support
3843 its deliberations. Archives of the working documents are maintained on the working group [wiki](#).
3844 When a new charter topic was introduced, the leadership team provided a working document
3845 for the topic, including (i) charter questions related to that topic and for each charter question,
3846 (ii) context from the Transfer Policy Status Report, and (iii) relevant inputs received from
3847 community groups through early outreach. As the working group progressed through
3848 discussions, staff captured a summary of deliberations on the charter question and eventually
3849 populated the document with draft charter question responses and draft preliminary
3850 recommendations to support further discussion and refinement of the text.

3851
3852 Working documents were updated on an ongoing basis and working group members were
3853 encouraged to provide comments and input in the working documents between calls.
3854

3855 Diagrams

3856 To further support deliberations and document the expected impact of proposed
3857 recommendations, the working group developed a swim lane diagram to visually represent the
3858 possible future-state process flow for inter-Registrar transfers as it will exist if all
3859 recommendations are approved and implemented. The diagrams serve as a working document
3860 to support the deliberations process and are not intended to be authoritative, but are included
3861 in this Initial Report to demonstrate the working group's understanding of the
3862 recommendations' impact on the inter-Registrar transfer and Change of Registrant Data
3863 processes. The diagrams are included in the last Annex of this report.
3864

3865 Data and Metrics

3866 The [Transfer Policy Status Report](#) produced by ICANN org in 2019 served as the working group's
3867 primary resource for data and metrics related to inter-Registrar transfers. In the course of its
3868 deliberations, the working group identified additional data that would be valuable to support its
3869 work. The additional data provided by ICANN org's Contractual Compliance Department in
3870 response to these requests is available on the working group's [wiki](#).

3871 ICANN org Interaction

3872 To help support a smooth transition from policy development to eventual implementation of
3873 GNSO Council adopted and ICANN Board approved recommendations, the working group has
3874 been supported by early and ongoing engagement with ICANN org subject matter experts.
3875 Liaisons from ICANN org's Global Domains and Strategy (GDS) and Contractual Compliance
3876 departments regularly attended working group calls, providing input and responding to
3877 questions where it was possible to do so in real time. The liaisons acted as a conduit for working
3878

3879 group questions to ICANN org that required additional research or input. The liaisons also
3880 facilitated early review of working group draft outputs by ICANN org subject matter experts.

3881

3882 **Accountability to the GNSO Council**

3883 As is now the case with all GNSO working groups, the working group delivered monthly “project
3884 packages” to the GNSO Council to update the Council on the status of its work. An archive of
3885 these packages is available on the [wiki](#). The GNSO Council Liaisons, Greg DiBiase and Osvaldo
3886 Novoa,³² served as additional points of connection between the Council and the working group.

3887

3888 **Conclusion and Next Steps**

3889 This Initial Report will be posted for public comment for 60 days. The working group will review
3890 the public comments received on this Initial Report and consider whether any changes need to
3891 be made to its Initial Report before submitting its Final Report to the GNSO Council.

3892

³² On 19 January 2023, the GNSO Council [voted to approve](#) Osvaldo Novoa as the new GNSO Council Liaison to the TPR Working Group. Osvaldo Novoa took over for Greg DiBiase who served as the Liaison beginning in April 2021.

Annex 6 – Working Group Membership and Attendance

3893

[This section updated after last WG call(s) and prior to submission for PC]

3894

3895

The Working Group held its first meeting in April 2021. Recordings and transcripts of the group’s discussions can be found on its [wiki space](#). It has conducted its work primarily through weekly conference calls, in addition to email exchanges on its mailing list.

3896

3897

3898

3899

As instructed by the GNSO Council, the Working Group prepared a [work plan](#), which it reviewed on a regular basis. The Working Group Chair and the GNSO Council Liaison to the Working Group also provided regular reports to the GNSO Council regarding the status and progress of the group’s work. Details of the project schedule, attendance and action items can be found in the monthly project packages.

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The Working Group email archives can be found at <https://mm.icann.org/pipermail/gns0-tpr/>.

3906

3907

Plenary Meetings:

3908

- 50 Plenary calls (w/ 4 canceled) for 68.5 call hours for a total of 1506.0 person hours

3909

- 81.4% total participation rate

3910

3911

Small Team Meetings:

3912

- 8 Small team calls for 8.0 call hours for a total of 78.0 person hours

3913

- 100.0% total participation rate

3914

3915

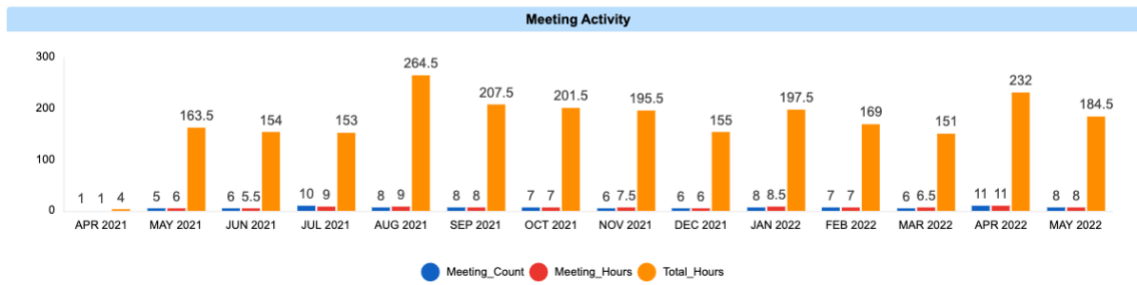
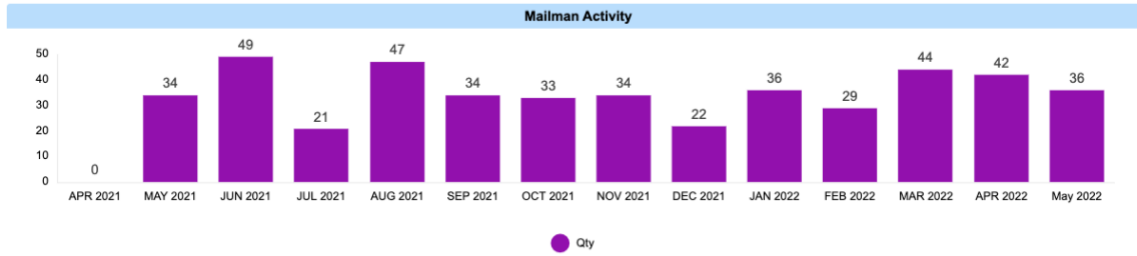
Leadership Meetings:

3916

- 49 Leadership calls (w/6 canceled) for 23.0 call hours for a total of 212.0 person hours

3917

3918 **Working Group Activity Metrics:**



3919
3920
3921
3922

3923 The Members of the Working Group are:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
At-Large Advisory Committee (ALAC)				73.9%	
Nanghaka Daniel Khauka	SOI	5/4/2021		69.6%	
Steinar Grøtterød	SOI	5/5/2021		78.3%	
Commercial Business Users Constituency (BC)				91.3%	
Zak Muscovitch	SOI	4/23/2021		91.3%	
GNSO Council				86.4%	
Gregory DiBiase	SOI	6/4/2021		71.4%	Liaison
Roger Carney	SOI	4/23/2021		100.0%	Chair
Independent				23.9%	
Steve Crocker	SOI	4/26/2021		23.9%	
Intellectual Property Constituency (IPC)				32.6%	
Mike Rodenbaugh	SOI	4/21/2021		47.8%	
Salvador Camacho Hernandez	SOI	4/26/2021		17.4%	
Internet Service Providers and Connectivity Providers Constituency (ISPCP)				84.8%	
John Woodworth	SOI	4/14/2021		84.8%	
Non-Commercial Stakeholder Group (NCSG)				53.5%	
Farzaneh Badiei	SOI	6/1/2021		37.2%	
Wisdom Donkor	SOI	6/1/2021		69.8%	
Registrar Stakeholder Group (RrSG)				88.7%	
Antonia Nan Chu	SOI	5/6/2021		97.8%	
Catherine Merdinger	SOI	4/27/2021		80.4%	
Crystal Ondo	SOI	4/23/2021		76.1%	
Eric Rokobauer	SOI	4/26/2021		95.6%	
Keiron Tobin	SOI	6/7/2021		90.5%	
Owen Smigelski	SOI	4/27/2021		87.0%	
Prudence Malinki	SOI	4/27/2021		97.8%	
Richard Merdinger	SOI	5/5/2021	6/7/2021	100.0%	
Sarah Wyld	SOI	4/23/2021		87.0%	
Theo Geurts	SOI	4/23/2021		89.1%	
Thomas Keller	SOI	4/26/2021	9/27/2021	56.3%	
Volker Greimann	SOI	4/24/2021		97.4%	
Registry Stakeholder Group (RySG)				82.1%	
James Galvin	SOI	4/27/2021		80.4%	
Richard Wilhelm	SOI	3/4/2022		90.0%	
Totals:				75.8%	

3924 The Alternates of the Working Group are:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
At-Large Advisory Committee (ALAC)				90.7%	
Lutz Donnerhacke	SOI	5/8/2021		89.7%	
Raymond Mamattah	SOI	5/4/2021		92.0%	
Commercial Business Users Constituency (BC)				100.0%	
Arinola Akinyemi	SOI	8/12/2021		100.0%	
Non-Commercial Stakeholder Group (NCSG)				71.4%	
Akinremi Peter Taiwo	SOI	6/2/2021		71.4%	
Registrar Stakeholder Group (RrSG)				97.1%	
Andrew Reberry	-			0.0%	
Arnaud Wittersheim	SOI	5/5/2021		96.7%	
Essie Musailov	SOI	4/23/2021		100.0%	
Jacques Blanc	SOI	4/29/2021		66.7%	
Jody Kolker	SOI	5/7/2021		100.0%	
Jothan Frakes	SOI	4/23/2021		100.0%	
Min Feng	SOI	4/26/2021		50.0%	
Pam Little	SOI	4/26/2021		50.0%	
Richard Brown	SOI	4/26/2021		100.0%	
Registry Stakeholder Group (RySG)				97.0%	
Beth Bacon	SOI	5/4/2021		97.0%	
Totals:				95.8%	

3925 There are a total of 33 Observers to the Working group.

3926

3927 ICANN org Policy Staff Support for the Working Group:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
Internet Corporation for Assigned Names & Numbers (ICANN)					
Berry Cobb					
Caitlin Tubergen					
Devan Reed					
Emily Barabas					
Holida Yanik					
Isabelle Colas					
Julie Bisland					
Julie Hedlund					
Michelle DeSmyter					
Terri Agnew					

3928

3929 **Annex 7 – Community Input**

3930 **Request for Input**

3931 According to the GNSO’s PDP Manual, a PDP working group should formally solicit statements
3932 from each GNSO Stakeholder Group and Constituency at an early stage of its deliberations. A
3933 PDP working group is also encouraged to seek the opinion of other ICANN Supporting
3934 Organizations and Advisory Committees who may have expertise, experience or an interest in
3935 the issue. As a result, the working group reached out to all ICANN Supporting Organizations and
3936 Advisory Committees as well as GNSO Stakeholder Groups and Constituencies with a request
3937 for input at the start of its deliberations. In response, statements were received from:

3938

- 3939 ■ The GNSO Business Constituency (BC)
- 3940 ■ The Registries Stakeholder Group (RySG)
- 3941 ■ The At-Large Advisory Committee (ALAC)
- 3942 ■ The Security and Stability Advisory Committee (SSAC)

3943

3944 The full statements can be found on the working group wiki here:

3945 <https://community.icann.org/x/tIT8CQ>.

3946

3947 **Review of Input Received**

3948 All of the statements received were added to the relevant working documents (organized by
3949 topic) and considered by the working group in the context of deliberations on each topic.

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Annex 8 – EPDP Phase 1, Rec. 27, Wave 1 Analysis

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For context on this analysis, please see pages 52-56 of the [Final Issue Report](#).

Wave 1 Analysis Key Points	TPR Working Group Response
<p>1. Transfer Policy section I.A.1.1 provides that either the Registrant or <i>the Administrative Contact</i> can approve or deny a transfer request. (emphasis added) Under the Registration Data Policy, Administrative Contact data is no longer collected by the registrar. Accordingly, the registrant would be the only authorized transfer contact.</p>	<p>In its current set of preliminary recommendations, the TPR Working Group does not include the Administrative Contact as an entity that can approve an inter-Registrar transfer; instead, the preliminary recommendations only refer to the Registered Name Holder, or, in some instances, the “Registered Name Holder or their designated representative.”</p> <p>In light of the obsolescence of the Administrative Contact under the EPDP Phase 1 recommendations, any reference to an “Administrative Contact” or “Transfer Contact” within the Transfer Policy MUST be eliminated and replaced with “Registered Name Holder” unless specifically indicated, per Preliminary Recommendation 15. For example, Preliminary Recommendation 6, et. al., refers to the “Registered Name Holder or their designated representative”.</p>
<p>2. Transfer Policy section I.A.2.1, Gaining Registrar Requirements, relies on the specification of transfer authorities in section 1.1, defining either the Registrant and Administrative Contact as a “Transfer Contact.” Given that Administrative Contact data is no longer collected by the registrar, there may not be a need for “transfer contact” terminology, but such references can be replaced by “registrant” as the registrant is the only valid transfer authority. “Transfer Contact” terminology is referenced in part I (A) of the policy in sections 2.1, 2.1.1, 2.1.2, 2.1.2.1, 2.1.3.1(b), 2.1.3.3, 2.2.1, 3.2, 3.3, 3.6, 3.7.4, and 4.1.</p>	<p>As noted above in Key Point 1, the preliminary recommendations currently refer to the “Registered Name Holder” instead of the “Transfer Contact”, noting that the Registered Name Holder is the now the valid transfer authority, rather than the “Transfer Contact” or “Administrative Contact”.</p>
<p>3. Transfer Policy section I.A.3 enumerates the reasons a registrar of record may deny a transfer. These include section 3.7.2, “reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.” The Administrative Contact reference may be eliminated as the Administrative</p>	<p>The working group is recommending that the reference to Administrative Contact in Section I.A.3.7.2 must be removed due to the EPDP recommendation for elimination of the Administrative Contact. See also TPR Preliminary Recommendation 15.</p>

<p>Contact data is no longer collected by the registrar. Section I.A.3 also enumerates the reasons a registrar of record may not use to deny a transfer request. These include section 3.9.2, “no response from the Registered Name Holder or Administrative Contact.” The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the registrar.</p>	
<p>4. Transfer Policy section I.A.4.6.5 provides that both registrars will retain correspondence in written or electronic form of any Transfer Emergency Action Contact (TEAC) communication and responses, and share copies of this documentation with ICANN and the registry operator upon request. This requirement does not appear to be affected by the new Registration Data Policy, which provides for retention of data elements for a period of 18 months following the life of the registration.</p>	<p>The WG did not express an objection to the Wave 1 assertion that paragraph I.A.4.6.5 is likely not affected by the new Registration Data Policy. The WG did note that, in the event the WG proposes to further detail the requirements of TEAC processing and retention requirements (for example, by recommending these communications occur solely within the Naming Services Portal or its successor), the WG may need to revisit this item to ensure there is no conflict.</p> <p>The working group’s recommendations did not require revisiting its initial assertion that there is no conflict.</p>
<p>5. Transfer Policy section I.A.5.6 provides that the "AuthInfo" codes must be used solely to identify a Registered Name Holder, whereas the Forms of Authorization (FOAs) still need to be used for authorization or confirmation of a transfer request, as described in Sections I.A.2, I.A.3, and I.A.4 of the policy. Where registrant contact data is not published, and absent an available mechanism for the Gaining Registrar to obtain such contact data, it is not feasible for a Gaining Registrar to send an FOA to the registrant contact data associated with an existing registration, as required by the policy. However, the requirement for the Registrar of Record to send an FOA confirming a transfer request (covered in section I.A.3) is still achievable as the registrar does not need to rely on publicly available data.</p>	<p>In its preliminary recommendations, the working group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization.</p> <p>For further rationale on the proposed elimination of the Gaining FOA, please see the working group’s response to charter question a1.</p> <p>With respect to the Losing FOA, the working group is recommending to retain the Losing FOA requirements with minor modifications, although the working group is recommending that the term “Transfer Confirmation” is used in place of the term Losing FOA. For further information, please see Preliminary Recommendation 2.</p>
<p>6. Transfer Policy section II.B.1, Availability of Change of Registrant, provides that “Registrants must be permitted to update their registration/Whois data and transfer their registration rights to other</p>	<p>The working group has updated the definition of Change of Registrant Data in Recommendation 25[xx].</p>

<p>registrants freely.” This language may be updated to clarify what updating registration data means, i.e., whether requirements differ according to whether a change of registrant changes anything that is displayed.</p>	<p>Rec 25x: The working group recommends that the Transfer Policy and all related policies MUST use the term “Change of Registrant Data” in place of the currently-used term “Change of Registrant”. This recommendation is for an update to terminology only and does not imply any other changes to the substance of the policies.</p> <p>Rec 25x.1: “Change of Registrant Data” is defined as a Material Change to the Registered Name Holder’s name or organization, or any change to the Registered Name Holder’s email address.</p> <p>Rec 25x.2: The Working Group affirms that the current definition of “Material Change” remains applicable and fit for purpose.</p> <p>Rec 25x.3: A “Change of Registrant Data” does not apply to the addition or removal of Privacy/Proxy Service Provider data in RDDS when such P/P services are provided by the Registrar or its Affiliates.</p> <p>Rec 25x.3 provides that additions and/removals of P/P service Provider data do not amount to a Change of Registrant Data (CORD), so not all changes to the public RDDS will amount to a CORD.</p> <p>The working group also recommends eliminating Section II.B “Availability of Change of Registrant” as it is unnecessary and redundant of existing policies.</p> <p>Rec 26.2: The working group recommends eliminating Section II.B “Availability of Change of Registrant” from the future standalone Change of Registrant Data Policy.</p>
<p>7. Transfer Policy section II.B.1.1.4 references the Administrative Contact. The context of this provision is to define a change of registrant as a material change to certain fields, including “Administrative Contact email address, if there is no Prior Registrant</p>	<p>In recommendation 25.1, the working group recommends changing the definition of Change of Registrant to Change of Registrant Data, and the Administrative Contact field is no longer included in this definition.</p>

<p>email address.” This section may no longer be necessary, as, under the new Registration Data Policy, Administrative Contact data is no longer collected by the registrar.</p>	
<p>8. The Transfer Policy contains references to Whois in sections I.A.1.1, I.A.2.1.2, I.A.2.2.1, I.A.3.6, I.A.3.7.5, I.B.1, and the Notes section titled “Secure Mechanism.” If updates are considered to this policy as a result of GNSO policy work, it may be beneficial to consider replacing these references with RDDS. (The Temporary Specification, Appendix G, Section 2.2.4, on Supplemental Procedures to the Transfer Policy, provides that the term "Whois" SHALL have the same meaning as "RDDS." This is carried over in the EPDP Phase 1 recommendation 24) Transfer Policy section II.C.1.4 provides that a registrar must obtain confirmation of a Change of Registrant request from the Prior Registrant, or the Designated Agent of such, using a secure mechanism to confirm that the Prior Registrant and/or their respective Designated Agents have explicitly consented to the Change of Registrant. The footnote to this section notes that “The registrar may use additional contact information on file when obtaining confirmation from the Prior Registrant and is not limited to the publicly accessible Whois.” If changes are considered to this policy as a result of GNSO policy work, it may be beneficial to consider updating this footnote to eliminate the reference to Whois.</p>	<p>For terminology consistency, the working group is recommending replacing current references to Whois to RDDS throughout the Transfer Policy, including in the updated standalone Change of Registrant Data policy, for any references to Whois that remain. (Please see response to Key Item 9 below for more detail and Preliminary Recommendation 14.)</p> <p>Discussions related to Section II of the policy (Change of Registrant) will be deferred to Phase 1(b) of the PDP.</p>
<p>9. The EPDP Team’s Phase 1 Recommendation 24 recommends that the following requirements apply to the Transfer Policy until superseded by recommendations from the Transfer Policy review being undertaken by the GNSO Council:</p> <p>(a) Until such time when the RDAP service (or other secure methods for transferring data) is required by ICANN to be offered, if the Gaining Registrar is unable to gain access to then-current Registration Data for a domain name subject of a transfer, the</p>	<p>In its preliminary recommendations, the working group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization (Preliminary Recommendation 1).</p> <p>In Preliminary Recommendation 14, the working group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p>

<p>related requirements in the Transfer Policy will be superseded by the below provisions:</p> <p>(a1) The Gaining Registrar is not REQUIRED to obtain a Form of Authorization from the Transfer Contact.</p> <p>(a2) The Registrant MUST independently re-enter Registration Data with the Gaining Registrar. In such instance, the Gaining Registrar is not REQUIRED to follow the Change of Registrant Process as provided in Section II.C. of the Transfer Policy.</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>(c) Registrar and Registry Operator SHALL follow best practices in generating and updating the "AuthInfo" code to facilitate a secure transfer process.</p> <p>(d) Registry Operator MUST verify that the "AuthInfo" code provided by the Gaining Registrar is valid in order to accept an inter-registrar transfer request.</p> <p>These requirements are being implemented as part of implementing the Registration Data Policy.</p>	<p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>With respect to (c) and (d), the working group has a list of very specific preliminary recommendations regarding generating and updating the TAC (formerly referred to as Auth-Info Code) that can be found in Section 3.2 of the Initial Report.</p>
<p>10. Feedback from some stakeholders in June 2019 during an ICANN65 session suggested an approach of starting from a clean slate rather than looking at specific transfer issues individually. This appears to</p>	<p>The working group has methodically worked through its charter questions, which has enabled it to review previously identified and longstanding issues in the</p>

<p>be the path the GNSO is taking, based on discussions at the September Council meeting.</p>	<p>Transfer Policy by proposing slight adjustments to specific transfer issues and/or proposing new methods.</p>
<p><i>Cross-reference: Transfer Policy section I.B.3.1 contains a footnote referencing the Expired Registration Recovery Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the registration agreement expires. The footnote provides that if registration and Whois details are changed following expiration of the domain name pursuant to the terms of the registration agreement, the protections of the Expired Registration Recovery Policy still apply.</i></p>	<p>In Preliminary Recommendation 1, the working group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>The terminology updates shall also apply to the new standalone Change of Registrant Data Policy.</p>
<p><i>Cross-reference: Transfer Policy section I.B.3.5 references the Expired Domain Deletion Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the Registrar updates the Prior Registrant's information in accordance with the Expired Domain Deletion Policy.</i></p>	<p>In Preliminary Recommendation 14, the working group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p>

	<p>The terminology updates shall also apply to the new standalone Change of Registrant Data Policy.</p>
<p>Transfer Dispute Resolution Policy</p>	
<p>1. TDRP section 2.2, Statute of Limitations, provides that a dispute must be filed within 12 months of the alleged violation. This is the stated basis for the EPDP Team’s Phase 1 recommendation 15 requiring registrars to retain only those data elements deemed necessary for the purposes of the TDRP, for a period of fifteen months following the life of the registration plus three months to implement the decision, as the TDRP has “the longest justified retention period of one year.” Accordingly, this provision can be maintained under the Registration Data Policy.</p>	<p>The working group agrees with the assertion that TDRP Section 2.2 can be maintained under the Registration Data Policy.</p>
<p>2. TDRP sections 3.1.2(ii), 3.2.1, and 3.5.2 specify complainant contact information to be included in the complaint, which may include personal data. Processing of personal data that is not registration data is expected to be covered in the data processing terms in EPDP recommendations 22 and 26.</p>	<p>The working group recognizes that the above-cited provisions of the TDRP specify TDRP complainant information that may include personal data. The working group notes that the implementation of EPDP recommendations 22 and 26, which recommend data protection agreements/arrangements between ICANN org and dispute resolution providers and data escrow providers, respectively, is currently ongoing. In the event the working group provides additional recommendations that require the processing of personal data that is not registration data, the WG notes that the appropriate parties, such as those implementing the EPDP recommendations, should be duly informed.</p>
<p>TDRP section 3.1.4 (i)(b) references a "copy of Whois output." The context for this provision is a listing of documentary evidence to be annexed to a complaint by the gaining registrar. This requirement may need to be further defined for clarity on what data the registrar must copy and include. Applying the definition of “Whois data” to have the same meaning as “Registration Data” as provided in EPDP recommendation 24, this would include all data elements that were collected by the registrar.</p>	<p>The working group noted that references to Whois data do indeed need to be updated.</p> <p>The working group made the following preliminary recommendation in its Phase 1(a) Initial Report:</p> <p>Preliminary Recommendation 14: The working group recommends the following specific terminology updates to the Transfer Policy:</p>

	<p>The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>The term "Whois" SHALL have the same meaning as "RDDS". For the avoidance of doubt, the terms referenced in above in Recommendation 14 (i) - (iv) are intended to correspond to the definitions in the Registrar Accreditation Agreement ("RAA"). In the event of any inconsistency, the RAA definitions, if updated, will supersede. The working group also recommends that the outdated terms should be replaced with the updated terms, e.g., all references to "Whois Data" should be replaced with the term "Registration Data," etc.</p> <p>The WG notes similar updates will need to be made to the TDRP.</p>
<p>TDRP section 3.1.4(ii)(c) enumerates the materials to be annexed to a complaint by the losing registrar. This provision specifies that the losing registrar is expected to provide a history of any Whois registration data changes made to the applicable registration. This requirement may need to be further defined as to what constitutes Whois modifications i.e., changes to public and/or non-public data elements. This provision may also need to be revised to clarify the scope of history available to the registrar, as it can only go as far back as data is retained. If the relevant data retention policy and uses of registration data including TDRP were disclosed to the data subject at the time of registration, this should cover such disclosure within the applicable period.</p>	<p>The working group noted that this provision may implicate public, redacted, and/or privacy/proxy customer data. The working group also noted that relevant Whois modifications may include nameserver data, not just registrant contact data. Proposed updates have been made to the draft TDRP in Annex 9.</p>

TDRP section 3.2.4 provides that a panel appointed by a TDRP provider will “review all applicable documentation and compare registrant/contact data with that contained within the authoritative Whois database and reach a conclusion not later than thirty (30) days after receipt of Response.” This provision relies on comparison with the “authoritative Whois database,” which does not have a clear analogue in the new Registration Data Policy.

The purpose of this provision appears to be for the panel to validate the information provided to them by the registrars; however, it is not clear what source a panel would use as a basis for comparison with the registrar submissions under the new policy.

The TDRP provides for the panel to match what the registrars provide with its own lookup; this does not seem to be possible unless a) the panel requests non-public data from the registrar in a similar manner as a UDRP provider, which would result in duplicative data or b) the complaint only includes publicly accessible data, and the panel is able to request and obtain the non-public data from the registrar.

Registration data held by the registry operator is not referenced in this section except to note that in cases where the Registrar of Record's Whois is not accessible or invalid, the applicable Registry Operator's Whois should be used, except in the case of a thin Registry, in which case the dispute should be placed on hold. It may be necessary to establish what is authoritative and what sources the panel should use in considering a TDRP complaint.

Alternatively, the provisions of this section could be restated at a higher level to define what the panel is being asked to do. The specific steps regarding comparison of various registration data sources may not be the basis for the panel’s determination; rather, the panel is asked to consider the facts and circumstances and evidence presented by the parties to the dispute to

Some members of the WG noted that TDRP section 3.2.4 could be stated at a higher level to ask the Panel to review the documentation provided to determine whether a violation of the Transfer Policy has occurred. Support Staff has proposed updated language on what this could look like.

Other WG members noted that the Panel should request the redacted registration data from the Gaining Registrar, similar to how this is done in a UDRP proceeding. Support Staff has also proposed language so that the WG could see how this could look.

Outstanding: need to decide

determine whether a violation of the Transfer Policy has occurred.	
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Annex 9 – Draft Edits to Transfer Dispute Resolution Policy (EPDP Rec. 27)

Registrar Transfer Dispute Resolution Policy

NOTE: On 26 January 2020, the ICANN Board passed a resolution to defer contractual compliance enforcement of the Gaining Registrar's requirement to obtain express authorization of an inter-registrar transfer from the Transfer Contact via a Standardized Form of Authorization (FOA). ICANN Contractual Compliance has deferred and will continue to defer enforcement of Section I(A)(2.1) of the Transfer Policy until the matter is settled in the GNSO Council's Transfer Policy Review, which is currently ongoing. Accordingly, the absence of a Standardized Form of Authorization (FOA) from the Gaining Registrar shall not result in a decision of transfer reversal under Section 3.2.4(ii) of the Transfer Dispute Resolution Policy.

In any dispute relating to Inter-Registrar domain name transfers, Registrars are encouraged to first of all attempt to resolve the problem among the Registrars involved in the dispute. In cases where this is unsuccessful and where a registrar elects to file a dispute, the following procedures apply. It is very important for Registrars to familiarize themselves with the Transfer Dispute Resolution Policy (TDRP) as described in this document before filing a dispute. Transfer dispute resolution fees can be substantial. It is critical that Registrars fully understand the fees that must be paid, which party is responsible for paying those fees and when and how those fees must be paid.

This version of the TDRP and corresponding procedures will apply to all Complaints filed on or after 1 December 2016.

1. Definitions

1.1 Complainant

A party bringing a Complaint under the TDRP. A Complainant may be either a Losing Registrar (in the case of an alleged fraudulent transfer) or a Gaining Registrar (in the case of an improper NACK) under this Policy.

1.2 Complaint

3989 The initial document in a TDRP proceeding that provides the allegations and claims brought by
3990 the Complainant against the Respondent.

3991

3992 **1.3 Dispute Resolution Panel**

3993

3994 The Dispute Resolution Panel shall mean an administrative panel appointed by a Dispute
3995 Resolution Provider ("Provider") to decide a Complaint concerning a dispute under the TDRP.

3996

3997 **1.4 Dispute Resolution Provider**

3998

3999 The Dispute Resolution Provider must be an independent and neutral third party that is neither
4000 associated nor affiliated with the Respondent, Complainant, or the Registry Operator under
4001 which the disputed domain name is registered. ICANN shall have the authority to accredit one
4002 or more independent and neutral Dispute Resolution Providers according to criteria developed
4003 in accordance with the TDRP.

4004

4005 **1.5 Form of Authorization (FOA)**

4006

4007 The standardized form of consent that the Gaining Registrar and Losing Registrar are required
4008 to use to obtain authorization from the Registrant or Administrative Contact in order to
4009 properly process the transfer of domain name sponsorship from one Registrar to another.

4010

4011 **1.6 Gaining Registrar**

4012

4013 The registrar who seeks to become the Registrar of Record by submitting a transfer request.

4014

4015 **1.7 Invalid Transfer**

4016

4017 A transfer that is found non-compliant with the Transfer Policy.

4018

4019 **1.8 Losing Registrar**

4020

4021 The registrar who was the Registrar of Record at the time a request for the transfer of domain
4022 is submitted.

4023

4024 **1.9 NACK**

4025

4026 A denial of a request for transfer by the Losing Registrar.

4027

4028 1.10 Registrant

4029

4030 The individual, organization, or entity that holds the right to use a specific domain name for a
4031 specified period of time.

4032

4033 1.11 Registrar of Record

4034

4035 The Registrar who sponsors a domain name at the registry.

4036

4037 1.12 Registry (Registry Operator)

4038

4039 The organization authorized by ICANN to provide registration services for a given TLD to ICANN-
4040 accredited Registrars.

4041

4042 1.13 Respondent

4043

4044 A party against whom a Complaint is brought. Under the TDRP, the Respondent can be a Losing
4045 Registrar in the case of an improper (NACK), a Gaining Registrar in the case of an alleged
4046 fraudulent transfer, or the Registrar of Record.

4047

4048 1.14 Supplemental Rules

4049

4050 The Supplemental Rules shall mean those rules adopted by the Provider administering a
4051 proceeding to supplement the TDRP. Supplemental Rules shall be consistent with the TDRP and
4052 shall cover topics such as fees, word and page limits and guidelines, the means for
4053 communicating with the Provider, and the form of cover sheets.

4054

4055 1.15 Transfer Policy

4056

4057 The ICANN Consensus Policy governing the transfer of sponsorship of registrations between
4058 registrars as referenced in the Registry-Registrar Agreement executed between a Registrar and
4059 the Registry, as well as the Registrar Accreditation Agreement which is executed between
4060 ICANN and all ICANN-accredited registrars.

4061

4062 2. Dispute Resolution Process

4063

4064 2.1 Filing a Complaint4065

4066 The Complainant may file a Complaint with a Dispute Resolution Provider. The decision of the
4067 Dispute Resolution Panel is final, except as it may be appealed to a court of competent
4068 jurisdiction in accordance with Section 3.4 of the TDRP.

4069

4070 **2.2 Statute of Limitations**

4071

4072 A dispute must be filed no later than twelve (12) months after the alleged violation of the
4073 Transfer Policy. In the case where a Losing Registrar alleges that a transfer was in violation of
4074 the Transfer Policy, the date the transfer was completed shall be deemed the date on which the
4075 "alleged violation" took place. In the case where a Gaining Registrar alleges that a transfer
4076 should have taken place, the date on which the NACK (as defined below) was received by the
4077 Registry, shall be deemed the date on which the "alleged violation" took place.

4078

4079 **3. Dispute Procedures**

4080

4081 **3.1 Registrar files a Request for Enforcement with a Dispute Resolution Provider**

4082

4083 3.1.1 Either the Gaining Registrar or Losing Registrar may submit a Complaint. This must be
4084 done in accordance with the Supplemental Rules adopted by the applicable Dispute Resolution
4085 Provider.

4086

4087 3.1.2 The Complaint shall be submitted to the Dispute Resolution Provider and to the
4088 Respondent in electronic form and shall:

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i. Request that the Complaint be submitted for
decision in accordance with the TDRP and the applicable Supplemental
Rules;

ii. Provide the name, postal and e-mail
addresses, and the telephone and fax numbers of the Complainant and
those representatives authorized by the Complainant to act on behalf of
the Complainant in the administrative proceeding;

iii. Provide the name of the Respondent and all
information (including any postal and e-mail addresses and telephone and
fax numbers) known to Complainant regarding how to contact Respondent
or any representative of Respondent, including contact information based
on pre-complaint dealings;

-
- 4104 iv. Specify the domain name(s) that is/are the
4105 subject of the Complaint;
4106
- 4107 v. Specify the incident(s) that gave rise to the
4108 dispute;
4109
- 4110 vi. Describe, in accordance with the Transfer
4111 Policy, the grounds on which the Complaint is based;
4112
- 4113 vii. State the specific remedy being sought
4114 (either approval or denial of the transfer);
4115
- 4116 viii. Identify any other legal proceedings that
4117 have been commenced or terminated in connection with or relating to any
4118 of the domain name(s) that are the subject of the Complaint;
4119
- 4120 ix. Certify that a copy of the Complaint, together
4121 with the cover sheet as prescribed by the Provider's Supplemental Rules,
4122 has been sent or transmitted to the Respondent; and
4123
- 4124 x. Conclude with the following statement
4125 followed by the signature of the Complainant or its authorized
4126 representative:
4127
- 4128 "<insert name of Complainant> agrees that its claims
4129 and remedies concerning the registration of the
4130 domain name, the dispute, or the dispute's
4131 resolution shall be solely against the Respondent
4132 and waives all such claims and remedies against the
4133 Dispute Resolution Provider as well as its directors,
4134 officers, employees, and agents, except in the case
4135 of deliberate wrongdoing or gross negligence."
4136
- 4137 "<insert name of Complainant> certifies that the
4138 information contained in this Complaint is to the
4139 best of Complainant's knowledge complete and
4140 accurate, that this Complaint is not being presented
4141 for any improper purpose, such as to harass, and
-

4142 that the assertions in this Complaint are warranted
4143 under the TDRP and under applicable law, as it now
4144 exists or as it may be extended by a good-faith and
4145 reasonable argument."
4146

4147 3.1.3 The Complaint may relate to more than one domain name, provided that the domain
4148 names involve the same Complainant and Respondent and that the claims arise out of the same
4149 or similar factual circumstances.

4150
4151 3.1.4 The Complaint shall annex the following documentary evidence (as applicable and
4152 available) in electronic form if possible, together with a schedule indexing such evidence:

- 4153
4154 i. For the Gaining Registrar:
- 4155 a. ~~Completed Form of Authorization ("FOA")~~
 - 4156 b. ~~Copy of the Whois **RDDS** output for the date transfer was~~
4157 ~~initiated, which was used to identify the authorized Transfer~~
4158 ~~Contacts~~
 - 4159 c. ~~Copy of evidence of identity used~~
 - 4160 d. Copy of a bilateral agreement, final determination of a
4161 dispute resolution body or court order in cases when the
4162 Registrant of Record is being changed simultaneously with a
4163 Registrar Transfer **(where applicable)**
 - 4164 e. Copies of all communications made to the Losing Registrar
4165 with regard to the applicable transfer request along with any
4166 responses from the Losing Registrar

4167
4168
4169
4170
4171
4172 ii. For the Losing Registrar:

- 4173 a. Completed FOA from the Losing Registrar
 - 4174 b. Copy of the Whois **RDDS** output for the date the transfer
4175 was initiated
- 4176
4177
4178

- 4179 c. Relevant history of Whois **Registration Data**³³
4180 modifications made to the applicable registration
4181
4182 d. Evidence of one of the following if a transfer was denied:
4183 § fraud;
4184 § Pending UDRP proceeding that the Registrar has
4185 been informed of;
4186 § URS proceeding or URS Suspension that the
4187 Registrar has been informed of;
4188 § Pending dispute under the Transfer Dispute
4189 Resolution Policy;
4190 § court order by a court of competent jurisdiction;
4191 § Registrant or administrative contact identity
4192 dispute in accordance with Section 4 of the Transfer
4193 Policy [Registrar of Record Requirements]
4194 § applicable payment dispute along with evidence
4195 that the registration was put on HOLD status;
4196 § express written objection from the Registered
4197 Name Holder or Administrative Contact;
4198 § LOCK status along with proof of a reasonable
4199 means for the registrant to remove LOCK status as
4200 per Section __ of Exhibit __ to this Agreement;
4201 § The Registrar imposed a 60-day inter-registrar
4202 transfer lock following a Change of Registrant, and
4203 the Registered Name Holder did not opt out of the
4204 60-day inter-registrar transfer lock prior to the
4205 Change of Registrant request.
4206 § domain name within 60 days of initial registration;
4207 or
4208 § domain name within 60 days of a prior transfer.

³³ For clarity, relevant Registration Data modifications may include relevant modifications to: (i) public RDDS, (ii) redacted Registration Data, and/or (iii) Privacy/Proxy Customer data from an Affiliated Privacy or Proxy Service Provider.

4209 e. Copies of all communications made to the Gaining
4210 Registrar with regard to the applicable transfer request along
4211 with any responses from the Gaining Registrar.

4212
4213 **[[DRAFT ADDED STEP: The Provider shall submit a verification request to the sponsoring**
4214 **Registrar. The verification request will include a request to Lock the domain name.]]**

4215
4216 **[[DRAFT ADDED STEP: Within two (2) business days of receiving the Provider's verification**
4217 **request, the sponsoring Registrar shall provide the information requested in the verification**
4218 **request and confirm that a Lock of the domain name has been applied. The Lock shall remain**
4219 **in place through the remaining Pendency of the TDRP proceeding.]]**

4220
4221 **3.2 The Respondent shall have seven (7) calendar days from receipt of the Complaint to**
4222 **prepare a Response to the Complaint ("Response").**

4223
4224 3.2.1 The Response shall be submitted in electronic form to both the Dispute Resolution
4225 Provider and Complainant and shall:

4226 i. Respond specifically to the statements and
4227 allegations contained in the Complaint (This portion of the response shall
4228 comply with any word or page limit set forth in the Dispute Resolution
4229 Provider's Supplemental Rules.);

4230
4231 ii. Provide the name, postal and e-mail
4232 addresses, and the telephone and fax numbers of the Respondent (non-
4233 filing Registrar);

4234
4235 iii. Identify any other legal proceedings that
4236 have been commenced or terminated in connection with or relating to any
4237 of the domain name(s) that are the subject of the Complaint;

4238
4239 iv. State that a copy of the Response has been
4240 sent or transmitted to the Complainant;

4241
4242 v. Conclude with the following statement followed by
4243 the signature of the Respondent or its authorized representative:

4244
4245 "Respondent certifies that the information
4246 contained in this Response is to the best of

4247 Respondent's knowledge complete and accurate,
4248 that this Response is not being presented for any
4249 improper purpose, such as to harass, and that the
4250 assertions in this Response are warranted under
4251 these Rules and under applicable law, as it now
4252 exists or as it may be extended by a good-faith and
4253 reasonable argument."; and

4254
4255 vi. Annex any documentary or other evidence upon
4256 which the Respondent relies, together with a schedule indexing such
4257 documents.

4258
4259 3.2.2 At the request of the Respondent, the Dispute Resolution Provider may, in exceptional
4260 cases, extend the period of time for the filing of the response, but in no case may the extension
4261 be more than an additional five (5) calendar days. The period may also be extended by written
4262 stipulation between the Parties, provided the stipulation is approved by the Dispute Resolution
4263 Provider.

4264
4265 3.2.3 If a Respondent does not submit a response, in the absence of exceptional circumstances,
4266 the Dispute Resolution Panel appointed by the Dispute Resolution Provider shall decide the
4267 dispute based upon the Complaint.

4268
4269 3.2.4 The Dispute Resolution Panel appointed by the Dispute Resolution Provider must review
4270 all applicable documentation and, where applicable, compare registrant/contact data with that
4271 contained within the RDDS. authoritative Whois database Following its review of all applicable
4272 documentation, the Dispute Resolution Panel must determine whether a violation of the
4273 Transfer Policy occurred reach a conclusion not later than thirty (30) days after receipt of
4274 Response from the Respondent.

4275
4276 i. If the Dispute Resolution Panel is unable to
4277 determine whether a violation of the Transfer Policy occurred using the
4278 documentation provided, the registrant/contact data does not match the
4279 data listed in authoritative Whois RDDS, the Dispute Resolution Panel
4280 MAY should contact each Registrar and require additional documentation.

4281
4282 ii. If the Gaining Registrar is unable to provide
4283 a complete FOA with data matching that contained within the
4284 authoritative Whois database RDDS at the time of the transfer request,

4285 then the Dispute Resolution Panel shall find that the transfer should be
4286 reversed. In the case of a thick Registry, if the Registrar of Record's
4287 ~~Whois~~ **RDDS** is not accessible or invalid, the applicable Registry Operator's
4288 ~~Whois~~ **RDDS** should be used. In the case of a thin Registry, if the Registrar
4289 of Record's ~~Whois~~ **RDDS** is not accessible or is invalid, the Dispute
4290 Resolution Provider may place the dispute on hold until such time as the
4291 problem is resolved.

4292
4293 iii. In the case where a Losing Registrar NACKs
4294 a transfer, the Losing Registrar must provide evidence of one of the factors
4295 for which it is allowed to NACK as set forth in Section 3.1.4(ii)(d) of the
4296 TDRP. If the Losing Registrar cannot provide evidence that demonstrates
4297 any of the factors, and the Gaining Registrar is able to demonstrate
4298 compliance with the Transfer Policy, provides to the Dispute Resolution
4299 Provider a complete FOA with data matching that contained within the
4300 authoritative ~~Whois~~ database **RDDS** at the time of the transfer request,
4301 then the transfer should be approved.

4302
4303 iv. The Dispute Resolution Panel may not issue a
4304 finding of "no decision." It must weigh the applicable evidence in light of
4305 the Transfer Policy and determine, based on a preponderance of the
4306 evidence, which Registrar should prevail in the dispute and what
4307 resolution to the Complaint will appropriately redress the issues set forth
4308 in the Complaint.

4309
4310 v. Resolution options for the Dispute Resolution Panel
4311 are limited to the following:

4312
4313 a. Approve Transfer
4314 b. Deny the Transfer (This could include
4315 ordering the domain name be returned to the
4316 Losing Registrar in cases where a Transfer has
4317 already occurred.)

4318
4319 vi. Transfers from a Gaining Registrar to a third
4320 registrar, and all other subsequent transfers, are invalid if the Gaining
4321 Registrar acquired sponsorship of the domain name(s) at issue through an

4322 Invalid Transfer, as determined through the dispute resolution process set
4323 forth in this Transfer Dispute Resolution Policy.

4324
4325 vii. In the event the Dispute Resolution Panel
4326 determines that an Invalid Transfer occurred, the domain shall be
4327 transferred back to the registrar that was Registrar of Record immediately
4328 prior to the Invalid Transfer.

4329

4330 **3.3 Fees for Dispute Resolution Service**

4331

4332 3.3.1 The applicable Dispute Resolution Provider shall determine the applicable filing fee
4333 ("Filing Fees"). The specific fees along with the terms and conditions governing the actual
4334 payment of such fees shall be included in the Dispute Resolution Provider's Supplemental Rules.

4335

4336 3.3.2 In the event that the Complainant does not prevail in a dispute, the Filing Fees shall be
4337 retained by the Dispute Resolution Provider.

4338

4339 3.3.3 In the event that the Complainant prevails in a dispute, the Respondent, must submit to
4340 the Dispute Resolution Provider, the Filing Fees within fourteen (14) calendar days after such
4341 decision. In such an event, the Dispute Resolution Provider shall refund to the Complainant,
4342 whichever applicable, the Filing Fees, no later than fourteen (14) calendar days after it receives
4343 the Filing Fees from the Respondent. Such fees must be paid regardless of whether a court
4344 proceeding is commenced in accordance with Section 3.4 below. Failure to pay Filing Fees to
4345 the Dispute Resolution Provider may result in the loss of accreditation by ICANN.

4346

4347 **3.4 Availability of Court Proceedings**

4348

4349 The procedures set forth above shall not prevent a Registrar from submitting a dispute to a
4350 court of competent jurisdiction for independent resolution before such administrative
4351 proceeding is commenced or after such proceeding is concluded. If a Dispute Resolution Panel
4352 decides a domain name registration should be transferred (either to the Gaining Registrar, or
4353 alternatively, back from the Gaining Registrar to the Losing Registrar), such Registrar will wait
4354 fourteen (14) calendar days after it is informed of the decision before implementing that
4355 decision. The Registry will then implement the decision unless it has received from either of the
4356 parties to the dispute during that fourteen (14) calendar day period official documentation
4357 (such as a copy of a complaint, file-stamped by the clerk of the court) that a lawsuit has
4358 commenced with respect to the impacted domain name(s). If such documentation is received
4359 by the Registry, as applicable, within the fourteen (14) calendar day period, the decision will not

4360 be implemented until (i) evidence is presented that the parties have resolved such dispute; (ii)
4361 evidence is presented that the lawsuit has been dismissed or withdrawn; or (iii) a copy of an
4362 order from such court dismissing the lawsuit or ordering certain actions with respect to the
4363 domain name.

4364

4365 3.5 Decision Publication

4366

4367 3.5.1. The relevant Dispute Resolution Provider shall publish any decision made with respect to
4368 a transfer dispute initiated under the TDRP. All decisions under this Policy will be published in
4369 full over the Internet except when the Panel, convened by the Dispute Resolution Provider, in
4370 an exceptional case, determines to redact portions of its decision. In any event, the portion of
4371 any decision determining a complaint to have been brought in bad faith shall be published.

4372

4373 3.5.2. Decision reports shall include, at a minimum:

4374

i. The domain name under dispute;

4375

ii. The names of parties involved in the dispute;

4376

iii. The full decision of the case;

4377

iv. The date of the implementation of the decision.

4378

4379 3.5.3 If the Dispute Resolution Provider believes a decision should not be published, the Dispute
4380 Resolution Provider should confer with ICANN and publish the decision if so directed.

4381

4382 3.5.4. Publication does not apply to TDRP Complaints filed prior to 1 December 2016.

4383

4384

4385

4386 **Annex 10 – Draft edits to Section I.B.1 of the Transfer** 4387 **Policy (Bulk Transfers)**

4388 **Proposed edit to Section I.B.1** 4389

4390 Current language: I.B.1 Transfer of the sponsorship of all the registrations sponsored by one
4391 Registrar as the result of

4392 (i) a Registrar acquisition of that Registrar or its assets by another Registrar, or (ii) lack of
4393 accreditation of that Registrar or lack of its authorization with the Registry Operator,
4394 may be made according to the following procedure:

4395 Potential Update for consideration: [There are some instances that fall outside of the
4396 requirements in Section I(A) of the Transfer Policy. Specifically, ICANN org may authorize the
4397 transfer of a registrar’s domain names through an ICANN-approved bulk transfer without the
4398 prior approval of the Registered Name Holder in the following instances:

4399 (i) the Registrar or its assets are acquired by another ICANN-accredited Registrar;

4400 (ii) the Registrar is no longer accredited with ICANN org;

4401 (iii) the Registrar is no longer accredited with a Registry Operator(s) in a TLD(s), e.g.,
4402 termination of Registry-Registrar Agreement(s)*

4403 2. [Additional instances that fall outside of the requirements in Section I(A) of the Transfer
4404 Policy include partial bulk transfers pre-authorized by ICANN org and offered by some Registry
4405 Operators. Specifically, a Registry Operator MAY permit a consenting Registrar to transfer a
4406 portion but not all of its domain names to another consenting Registrar in the following
4407 instances:

- 4408 (i) one ICANN-accredited Registrar purchases, by means of a stock or asset
4409 purchase, merger or similar transaction, a portion but not all, of another ICANN-
4410 accredited Registrar's domain name portfolio in the TLD,
- 4411 (ii) a newly-accredited Registrar (Gaining Registrar) requests a transfer of all domain
4412 names from the losing Registrar for which the gaining Registrar has served as the
4413 Reseller, or
- 4414 (iii) [an agent of the Registrar, such as a Reseller or service provider, elects to
4415 transfer its portfolio of domain names to a new gaining registrar, and the
4416 registration agreement explicitly permits the transfer]
- 4417
4418
-

Annex 11 – Additional Topics Discussed

4419

Transfer Fees

4420

4421

4422 In the course of discussing the topic of Denying (NACKing) Transfers, the working group
4423 considered whether it is appropriate to make a recommendation with respect to transfer fees,
4424 a topic that NCSG representatives raised in working group deliberations, and also a subject that
4425 was raised in public comments on the Phase 1(a) Initial Report. The working group noted that
4426 some Registrars charge the RNH a fee for transferring a domain away to another Registrar. The
4427 Transfer Policy does not prohibit such fees.

4428

4429 From one perspective, transfer fees can be burdensome, particularly for non-commercial
4430 applicants, and should be prohibited or limited. From another perspective, there are scenarios
4431 where such fees correspond to value-added services from the Registrar, and therefore the fees
4432 are appropriate. Further from this perspective, regulating fees charged by Registrars is typically
4433 outside the scope of GNSO policy development.

4434

4435 The working group recalled that the Transfer Policy does not contain any provisions allowing
4436 the Registrar to deny a transfer for non-payment of transfer fees, and therefore in practice,
4437 these fees are not a barrier to transfer. The working group also noted that in Preliminary
4438 Recommendations 19 and 22, the working group has recommended clarifications to language
4439 specifying when a Registrar may and must not deny a transfer in relation to non-payment of
4440 registration fees.

4441

4442 Ultimately, the working group did not come to agreement to make recommendations on this
4443 topic, noting that it is important for Registrants to carefully review the registration agreement,
4444 which discloses any fees associated with transferring the domain to a new Registrar.

4445

Sanctions

4446

4447

4448 In working group deliberations and in public comment, the NCSG raised concerns that ordinary
4449 non-commercial registrants who are based in sanctioned countries or serving customers in
4450 sanctioned countries are sometimes prevented from transferring domains to a new Registrar,
4451 even in cases where the Registrar is not legally obligated to prevent the transfer under
4452 applicable law. In other cases, the RNH is given an insufficient notice period to find a new
4453 Registrar before the registration agreement is terminated. The NCSG requested that the
4454 working group consider whether these issues are in scope of the PDP.

4455

4456 The working group discussed the fact that Registrars are obligated to comply with national law
4457 and that it is up to each Registrar to determine how to do so. The working group considered
4458 that the issue of sanctions impacts many elements of the domain name lifecycle, including
4459 domain creation, renewal, suspension, and termination. To address this topic in isolation in the
4460 context of transfers could result in a fragmented approach to the issues presented. To the
4461 extent that the concerns are addressed through policy development, the working group
4462 believes that they should be addressed holistically.

4463

4464 The working group further noted that WS2 implementation is ongoing, which includes work
4465 related to specific concerns around sanctions. In particular, WS2 recommendation 4.1.3
4466 recommends that ICANN clarify to Registrars “that the mere existence of their RAA with ICANN
4467 does not cause them to be required to comply with OFAC sanctions. ICANN should also explore
4468 various tools to remind registrars to understand the applicable laws under which they operate
4469 and to accurately reflect those laws in their customer relationships.”³⁴ The working group
4470 understands that the implementation of this recommendation may reduce the risk of Registrar
4471 over-compliance.

4472

4473 Additional Topic Suggested by SSAC

4474

4475 In its [submission providing early input](#) to the PDP, the SSAC recommended that the working
4476 group address the issue of ensuring DNSSEC operational continuity in the transfer of DNS
4477 service:

4478

4479 *When a registrant bundles their DNS service with their registration, then it is*
4480 *essential that the transfer of DNS service be coordinated between the DNS service*
4481 *providers (who are most often the registrar when services are bundled) in order to*
4482 *ensure there is no discontinuity in DNS resolution (i.e., the registrant does not lose*
4483 *the ability to use their domain name).*

4484

4485 *When the domain name is DNSSEC-signed in the bundled scenario, there is an*
4486 *additional risk of failure to validate if the transfer is not properly coordinated. Best*
4487 *practice security principles would ordinarily treat a security failure more harshly*
4488 *than a non-existent domain, the consequences of which will vary by application.*

4489

4490 *These risks are substantially reduced during a registration transfer if a registrant*
4491 *uses a third party DNS service provider, one who is independent of the registration*

³⁴ <https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf>

4492 *service provider. It is important to note that these risks are not specific to*
4493 *registration transfers; they are present whenever there is a change in DNS service*
4494 *providers.*

4495
4496 *The SSAC recommends the Transfer Policy Review Team consider these concerns*
4497 *and seek the necessary enhancements to the current process that will ensure a*
4498 *secure, stable, and resilient transfer solution in the best interest of the registrant.*

4499
4500 *The working group noted that this topic was not included in the Final Issue Report or the*
4501 *working group charter. While the working group acknowledges that it is an important subject*
4502 *area for additional work, the working group agreed that it is outside the scope of this PDP and*
4503 *is better addressed in another forum.*

4504

4505 **Annex 12 – Group 1A Swimlane**

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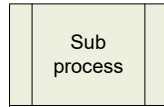
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4508 Next page will display the swimlane legend and the following page will be a PDF version of the
4509 swimlane appended to this report. Please refer to this [link](#) for a more consumable version of
4510 the swimlane where the PDF can be downloaded from the wiki.

Process Legend



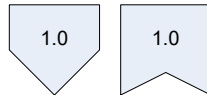
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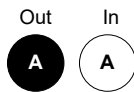
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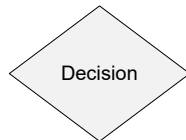
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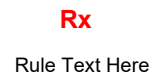
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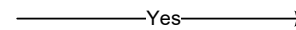
Decision



Process Rule



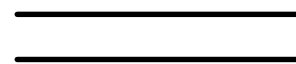
Begin of Process



Process Flow



Diversion to External Process



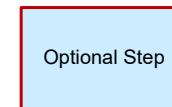
Parallel Process



Terminator of Process



External Process not Active



Optional Decision/Process Step

Transfer Policy (Inter-Registrar) – Proposed

